

**Figure 35**

**Manville Trust**  
**The Surge in Manville Mesothelioma Claims in 2003 Resulted from Older Cases Being Filed**

<u>Lag Between Diagnosis and Claim Filing</u>	<u>Claims Filed January - December 2000</u>	<u>Percentage of All Claims Filed</u>	<u>Claims Filed July - October 2003</u>	<u>Percentage of All Claims Filed</u>	<u>Claims Filed January 2004 - December 2006</u>	<u>Percentage of All Claims Filed</u>
(1)	(2)	(3)	(4)	(5)	(6)	(7)
		(2)/1,987		(4)/2,802		(6)/8,209
Less than 1 Year - 2 Years	1,296	65.22 %	940	33.55 %	5,757	70.13 %
2 - 5 Years	493	24.81	849	30.30	1,499	18.26
5 Years and More	<u>198</u>	<u>9.96</u>	<u>1,013</u>	<u>36.15</u>	<u>953</u>	<u>11.61</u>
<b>Total</b>	<b>1,987</b>		<b>2,802</b>		<b>8,209</b>	

Note: See Exhibit 53 for details.

This pattern is consistent with studies of trends in the incidence of mesothelioma, which indicate that the rate of mesothelioma from occupational exposure is not increasing.<sup>119</sup>

### **C. Resolution Values Have Stabilized or Declined**

Evidence that malignant and non-malignant settlement averages have declined is provided in the 10-K of Honeywell, Inc. Unlike other defendants, Honeywell discloses detailed average resolution values for the malignant and non-malignant claims resolved by its subsidiary, Bendix, in its public filings. This data shows that average resolution values for Honeywell's malignant and non-malignant claims have been dropping over the past five years, falling by 80% for malignant claims and 81% for non-malignant claims between 2002 and 2006. (See Figure 36 below and Exhibit 54.)

<sup>119</sup> See "Where Are Mesothelioma Claims Heading?," by Paul Hinton, Ron Miller, Faten Sabry and Fred Dunbar, NERA Working Paper, December 7, 2006.

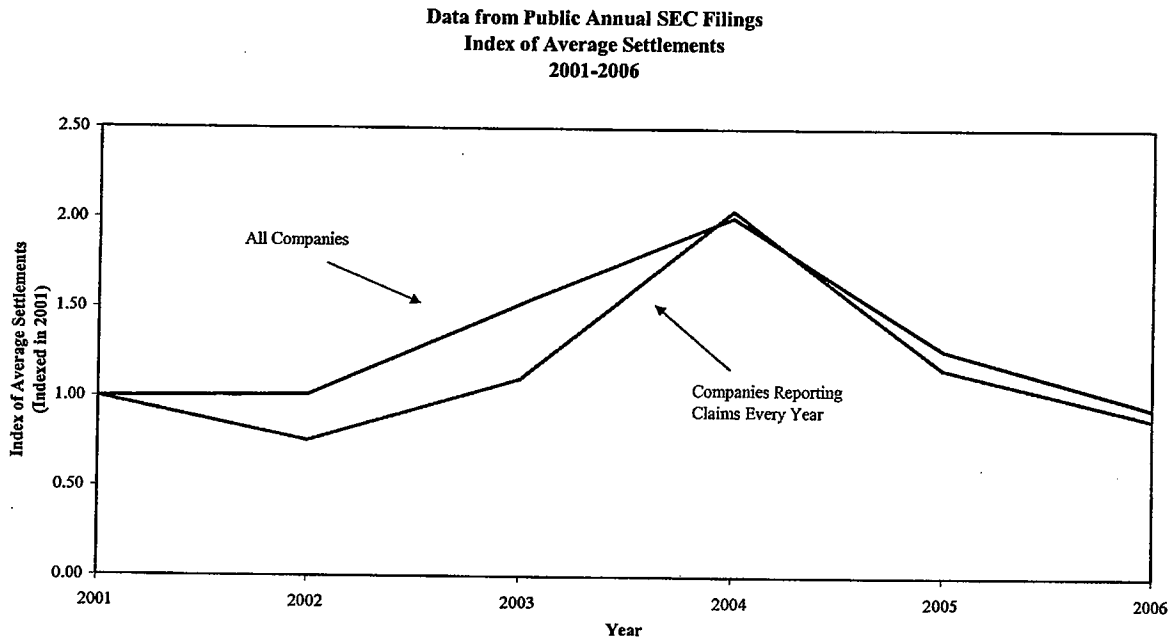
**Figure 36****Average Resolution Values per Claim for Honeywell's Bendix Business  
2002 - 2006**

<b>Type of Claim</b> <b>(1)</b>	<b>2002</b> <b>(2)</b>	<b>2003</b> <b>(3)</b>	<b>2004</b> <b>(4)</b>	<b>2005</b> <b>(5)</b>	<b>2006</b> <b>(6)</b>
Malignant Claims	\$ 166,000	\$ 95,000	\$ 90,000	\$ 58,000	\$ 33,000
Non-Malignant Claims	1,300	3,500	1,600	600	250

Note: See Exhibit 54 for details.

This report is consistent with information presented in the 10-Ks of other defendants. While settlement or resolution value data is not generally provided on a disease-specific basis in 10-Ks, it is often provided on an overall or aggregate basis. We examined the overall average resolution value information (which reflects both settlements and dismissals) reported in 10-Ks between 2001 and 2006 and found that many companies' averages had decreased or increased only minimally since 2001. An analysis of the rate of change of average settlement amounts for all companies, as well as companies reporting claims every year, shows that after increasing between 2002 and 2004, average resolution values for asbestos defendants have decreased sharply between 2004 and 2006 and have returned to 2001 levels. (See Figure 37 and Exhibits 55 and 56.)

**Figure 37**



Note: See Exhibit 56 for details.

## VII. CONCLUSION

Many of the models used to forecast asbestos claims are based on historical claiming behavior. This report has documented many factors affecting claiming behavior. A rigorous empirical model based on claiming behavior would have to identify these factors and account for them in the model.

I reserve the right to modify my opinion should additional information become available to me, including the reports prepared by Plaintiffs' experts.

Frederick C. Dunbar

June 18, 2007

June 18, 2007

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## **Exhibit 1**

### **Curriculum Vitae of Frederick C. Dunbar**

#### **Education**

##### **Tufts University**

PhD, Economics, 1971

MA, Economics, 1969

##### **Reed College**

BA, Mathematics and Economics, 1966

#### **Professional Experience**

1988-	<b>NERA Economic Consulting</b> Senior Vice President
2003-	Chairperson of Strategy and Investment Committee
1995-1998	Management Committee
1995-2002	Head of Recruitment and Professional Development Committee
1988-	Board of Directors
1987-1998	Head of Securities, Mass Torts, and Transportation Practice
1984-1988	Vice President
1979-1983	Senior Consultant



Marsh & McLennan Companies

Frederick C. Dunbar

- 1976-1979 **Charles River Associates, Inc.**  
Program Manager  
Responsible for studies in transportation, urban development, and various fuels;  
director of CRA's subsidiary, Econometric Appraisal Systems, Inc.
- 1971-1976 Senior Research Associate  
Performed studies on the coal, metals, and computer industries.

## Teaching Experience

- 2000 **Columbia University School of Law**  
Adjunct Professor
- 1995-1998 **Fordham University School of Law**  
Adjunct Professor
- 1969-1971 **Northeastern University**  
Instructor, Department of Economics  
Taught graduate courses in mathematical economics, econometrics, and statistics;  
taught undergraduate courses in macroeconomics, business cycles and growth,  
and advanced statistics.
- 1969 **Tufts University**  
Instructor, Department of Economics  
Taught social control of industry.

## Honors and Professional Activities

- Member, American Bar Association Section of Antitrust Law, Transportation  
Industry Committee, 1998-present
- Member, New York Mercantile Exchange Appeals Committee, 1998-present
- Member, New York Mercantile Exchange Arbitration Committee, 1991-present
- Arbitrator, National Futures Association, 1987-present
- Member, Committee on International Trade, The Association of the Bar of the  
City of New York, 1993-1997
- Member, Policy Council, Subcouncil on Capital Allocation, Member, 1994
- President, Transportation Research Forum, 1986-87 (formerly Executive Vice  
President, Vice President, and Program Chairman)
- Certificate in Commodities Trading, New York University, 1983

Frederick C. Dunbar

Member, Transportation Research Board, National Academy of Sciences,  
Subcommittees on Research Needs, Spatial Choice, Transportation Energy  
and 1980 Subcommittee Chairman on Telecommunications in Urban  
Freight Movement

Kennedy Memorial Teaching Award, Tufts University

National Science Foundation Trainee, Tufts University (three-year grant)

Reviewer, *Journal of Financial Management*, *Journal of Industrial Economics*,  
*Antitrust Bulletin*, *Transportation Research Forum*, and *Transportation  
Research Record*

Member, American Economic Association

Member, International Association of Energy Economists

Member, American Finance Association

Industrial Organization Economist Associate, American Bar Association

### **Invited and Refereed Publications (10 Years)**

with F. Sabry, "The Propensity to Sue: Why Do People Seek Legal Actions," NERA Study,  
(forthcoming in *Business Economics*, Summer 2007).

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June 2007

**Exhibit 2**

David T. Austern Deposition, September 26, 1999

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Deposition of Leland G. Smith, *Falise vs. The American Tobacco Co.*, February 16, 2000

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Judge Lifland Decision, *In re Johns-Manville Corporation, et al.*, August 17, 2004

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Marianna S. Smith Deposition, October 13, 1999

Deposition of Ray Harron, December 15, 2005

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Deposition of Jay Segarra, November 20, 2006

Deposition of Rhonda Mason, December 15, 2006

Deposition of Alvin Schonfeld, December 18, 2006

Deposition of Robert Beber, Vol. I & II, July 31, 2002

Deposition of Jay W. Hughes, Jr., Esq., July 19, 2002

Deposition of David Siegel, September 19, 2002

Declaration of Daniel L. Rourke, Ph.D., November 12, 2001

Amended Disclosure Statements for the Amended Joint Plan of Reorganization Pursuant to Chapter 11 of the United States Bankruptcy Code

Analysis of Libby Claimant Medical Records and Dr. Whitehouse's Expert Report Dates September 25, 2006, Steven E. Haber, 6/11/07

Answers of Non-Party Richard B. Levine, M.D., to Debtor's and Official Committee Deposition by Written Questions

Case Management Order for the Estimation of Asbestos Personal Injury Liabilities 8/29/05

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Dr. Daniel Henry's Response to Dr. Laura Welch's Report, 6/11/07

Dr. Daniel Henry's X-ray Report, 6/11/07

Diagnostic Practices in a Litigation Context: Screening Companies and the Doctors They Employed, Steven E. Haber, 6/11/07

Expert Rebuttal Report of Richard J. Lee, 6/11/07

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Rebuttal Report of Joseph E. Rodricks, 6/8/07

Rebuttal Report of Dr. Laura S. Welch, 6/07

Rebuttal Report of Dr. M. Laurentius Marais and Dr. William E. Wecker, 6/11/07

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Supplemental Report: Scientific Credibility of Personal Injury Claims Related to Alleged Exposure to W.R. Grace Asbestos-Containing Products, Elizabeth Anderson, 6/11/07

WR Grace & Co.'s Responses and Objections to the Official Committee of Asbestos Personal Injury Claimants' Supplemental (December 13, 2005) Set of Requests for Production of Documents Related to the Debtors

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WR Grace & Co.'s Answers and Objections to the Official Committee of Asbestos Personal Injury Claimants' Supplemental (December 13, 2005) Set of Interrogatories Related to the Debtors

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December 16, 2005 letter from Barbara Mack Harding to Nathan D. Finch regarding the agreements reached between the Debtors and the PI Committee as a result of several discussions that were held between October and early December 2005

August 10, 2006 letter from Barbara Mack Harding to Nathan D. Finch regarding Finch letter dated January 10, 2005 and a letter from Jeffrey Liesemer dated August 6, 2006

September 22, 2006 letter from Barbara Mack Harding to Nathan D. Finch regarding the status of outstanding discovery issues

Amended Joint Plan of Reorganization

Exhibit 1: Registration Rights Agreement

Exhibit A: Joinder Agreement

Exhibit B: Selling Securityholder Notice and Questionnaire

Exhibit 2: Government Release

Exhibit 3: Release

Exhibit 4: Stipulation of Dismissal with Prejudice of the Action

Exhibit 5: Fresenius Release

Exhibit 6: Indemnification Agreement

Exhibit 7: Language to be Set Forth in Part II of Form 1120X

Exhibit Tab 2: Glossary of Defined Terms

Exhibit Tab 3: Best Interest Analysis

Exhibit Tab 5: Asbestos Trust Agreement

Exhibit Tab 6: PI-SE Trust Distribution Procedures

Exhibit Tab 7: PI-AO Trust Distribution Procedures

Exhibit Tab 8: PD Trust Distribution Procedures

Exhibit Tab 9: List of Non-Debtor Affiliates

Exhibit Tab 10: List of Subject Asbestos Insurance Policies

Exhibit Tab 11: Retained Causes of Action

Exhibit Tab 13: Fresenius Settlement Agreement

Exhibit Tab 15: Description of Warrants

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Personal Injury Questionnaire Excel File Supplements by Law Firm

Pulmonary Function Test Claimant Sample

Pulmonary Function Test Flow Chart

Rust Consulting WR Grace Personal Injury Questionnaire Data Specification

Rust Consulting WR Grace Personal Injury Questionnaire Forms Processing Procedures

Rust Consulting WR Grace Personal Injury Questionnaire Image Database Table Structure

Rust Consulting WR Grace Personal Injury Questionnaire Database as of April 30, 2007

Rust Consulting WR Grace Personal Injury Questionnaire Image Files

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Bundled Center for Claims Resolution Database

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Historical Claims Sample and Image Files Coded by Celotex

PIQ Attachment Sample Coded by Celotex

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Letter from Robert A. Falise to Honorable Jack. B. Weinstein and Honorable Burton R. Lifland, dated February 27, 2004. ([http://www.mantrust.org/FILINGS/Q4\\_03/4THQTR03.pdf](http://www.mantrust.org/FILINGS/Q4_03/4THQTR03.pdf))

Letter from Robert A. Falise to Honorable Jack. B. Weinstein and Honorable Burton R. Lifland, dated February 28, 2007. (<http://www.mantrust.org/FILINGS/4thqtr06.pdf>)

SEC filings for the following companies were used:

SEC Filings from 1991-1995 for:

AC&S, Inc./Irex Corp.  
Coltec Industires  
Dyncorp/Fuller-Austin Insulation Corp.  
Fiberboard Corporation  
Foster Wheeler Corp.  
Owens Corning FiberGlas Corporation  
Owens-Illinois, Inc.

SEC Filings from 2001-2006 for:

AK Steel Holding Corp.

Albany International Corp. /DE/  
American Standard Companies, Inc.  
Ampco Pittsburgh Corp.  
Ashland, Inc.  
BNS Holding, Inc.  
BNSF Railway Co.  
Borgwarner, Inc.  
CBS Corp.  
Cooper Industries, Ltd.  
Crane Co./DE/  
Crown Holdings, Inc.  
Crowley Maritime Corp.  
Dow Chemical Co./DE/  
Enpro Industries, Inc.  
Entrx Corp.  
FMC Corp.  
Foster Wheeler, Ltd.  
Gencorp, Inc.  
Georgia Pacific Corp.  
Goodyear Tire & Rubber Co./OH/  
Hanson, PLC  
Hercules, Inc.  
Honeywell International, Inc.  
Jacuzzi Brands, Inc.  
Metso Corp.  
National Service Industries, Inc.  
Owens Illinois Inc/DE/  
Trimas Corp.  
Union Pacific Corp.  
United States Steel Corp.

**Exhibit 3**  
**Number of Claims by File Year for W. R. Grace and Manville**

<b>Year Filed</b> <b>(1)</b>	<b>Total Manville Claims</b> <sup>1</sup> <b>(2)</b>	<b>Total Grace Claims</b> <sup>2</sup> <b>(3)</b>
Pre-1990	146,660	24,087
1990	23,076	9,006
1991	19,286	16,876
1992	18,836	22,546
1993	15,206	20,120
1994	25,723	24,308
1995	39,213	39,669
1996	53,555	31,658
1997	24,437	25,319
1998	29,930	29,141
1999	32,508	28,395
2000	59,271	49,349
<b>Total 1990-2000</b>	<b>341,041</b>	<b>296,387</b>

**Notes and Sources:**

-- Claims data obtained from counsel. Manville data is from Manville Trust e-Extract Version 3.0 as of December 31, 2006. Includes data through 2000, the last full year before Grace filed for bankruptcy on April 2, 2001.

<sup>1</sup> Indicates the total number of Manville claims for the given file year.

<sup>2</sup> Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, and claims with a claimant disposition type of "inactive".



**Exhibit 4**  
**Center for Claims Resolution**  
**Percentage of Claims in Group Settlements <sup>1</sup>**

<b>Year Settled</b>	<b>Number of Claims In Group Settlement <sup>2</sup></b>	<b>Percentage of Claims In Group Settlement <sup>2</sup></b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
Pre-1985	0	0.0 %
1985	0	0.0
1986	0	0.0
1987	0	0.0
1988	2,315	25.9
1989	13,660	67.7
1990	9,219	62.3
1991	7,793	49.4
1992	16,160	64.7
1993	42,590	82.6
1994	10,277	61.6
1995	6,239	56.1
1996	6,060	62.9
1997	1,588	22.5
1998	42,890	76.5
1999	33,556	68.2
2000	20,213	61.2
<b>Overall</b>	<b>212,560</b>	<b>64.2 %</b>

**Notes and Sources:**

-- Data obtained from the bundled Center for Claims Resolution database. Includes data through 2000, the last full year before Grace filed for bankruptcy on April 2, 2001.

<sup>1</sup> Data limited to claims with positive settlement values.

<sup>2</sup> A claim is identified as part of a group settlement if the "settlement group" variable is greater than zero.

**Exhibit 5**  
**Manville Trust**  
**Ratio of Non-Malignant to Malignant Claims by State <sup>1</sup>**  
**Excluding States with Less than 1,000 Claims**  
**1995-2000**

State	Ratio of Non-Malignant to Malignant Claims
(1)	(2)
MS	33.2
AR	17.6
AL	15.8
OH	13.1
WV	11.9
LA	10.9
TX	10.6
KY	10.1
VA	10.0
IN	8.5
FL	7.9
MD	7.2
GA	7.1
NC	7.1
MI	6.7
TN	6.3
WI	6.2
NY	5.7
PA	5.6
MO	5.5
MN	4.4
NJ	4.0
SC	3.8
CA	3.6
IL	3.6
WA	2.6
MA	2.2

**Notes and Sources:**

-- Data from Manville Trust database, Manville Trust e-Extract Version 3.0 as of December 31, 2006.

Includes data through 2000, the last full year before Grace filed for bankruptcy on April 2, 2001.

-- Excludes observations with missing states and states with fewer than 1,000 filings during file years 1995-2

<sup>1</sup> Non-malignant diseases include "asbestosis" and "pleural". Malignant diseases include "mesothelioma", "lung cancer", and "other cancer".

**Exhibit 6**  
**Center for Claims Resolution**  
**Ratio of Non-Malignant to Malignant Claims by File Year <sup>1</sup>**  
**CCR Unknown Disease Claims Reallocated <sup>2</sup>**

Year Filed (1)	Texas (2)	West Virginia (3)	Mississippi (4)	Ohio (5)	Massachusetts (6)
Pre-1985	6.2	9.7	7.3	3.1	3.8
1985	10.2	11.6	13.8	4.0	4.4
1986	6.8	8.9	25.9	10.3	4.4
1987	6.8	5.5	16.8	8.5	5.3
1988	6.0	16.6	11.8	26.5	7.2
1989	8.4	13.6	3.2	7.2	5.5
1990	5.3	16.9	12.6	13.4	6.2
1991	7.1	16.3	30.1	6.7	2.0
1992	7.7	23.9	23.6	7.3	2.5
1993	10.2	16.7	26.5	11.1	7.6
1994	8.7	5.7	16.8	15.7	1.8
1995	17.6	18.2	14.2	14.4	3.0
1996	21.0	27.9	27.3	14.8	2.0
1997	9.1	15.8	19.3	7.1	1.0
1998	13.7	10.1	27.1	26.2	3.1
1999	12.9	8.6	28.0	37.4	1.4
2000	10.4	42.6	61.3	36.2	1.0

**Notes and Sources:**

-- Data from bundled Center for Claims Resolution database. Manville data is from Manville Trust e-Extract Version 3.0 as of December 31, 2006. Includes data through 2000, the last full year before Grace filed for bankruptcy on April 2, 2001.

-- Excludes claims with missing file year or file year prior to 1980.

<sup>1</sup> Ratio of non-malignant to malignant claims is defined as the total number of non-malignant claims divided by the total number of malignant claims. Non-malignant diseases include "asbestosis" and "pleural". Malignant diseases include "lung cancer", "mesothelioma", and "other cancer".

<sup>2</sup> Diseases originally coded as "unknown" in the CCR claims data were replaced with the disease of the matching claim in the Manville Trust database if the Manville disease was a cancer or a specific non-malignant disease and the Manville diagnosis date was prior to the CCR file date. (CCR claims were matched to Manville claims on the basis of Social Security Number or a combination of first name, last name, and date of birth.)

"Unknown" claims that could not be matched to Manville were reallocated to a cancer or a specific non-malignant disease, using the disease mix of the "unknown" CCR claims that did match to Manville. (Specifically, 3.34% of "unknown" claims were allocated to "mesothelioma", 5.85% to "lung cancer", 1.75% to "other cancer" and 89.06% to "non-malignant").

**Exhibit 7****Manville Trust****Number of Claims with High-Volume Doctor by Disease**<sup>1</sup>**1995-2000**

Disease (1)	Number of Claims with Doctor Name (2)	Number of Claims with High-Volume Doctor <sup>2</sup> (3)	Percentage of Claims with High- Volume Doctor <sup>2</sup> (4) (3)/(2)
Lung Cancer	12,576	584	4.64 %
Other Cancer	2,900	305	10.52
Non-Malignant <sup>3</sup>	196,627	99,158	50.43

**Notes and Sources:**

-- Data from Manville Trust Database, Manville Trust e-Extract Version 3.0 as of December 31, 2006. Includes data through 2000, the last full year before Grace filed for bankruptcy on April 2, 2001.

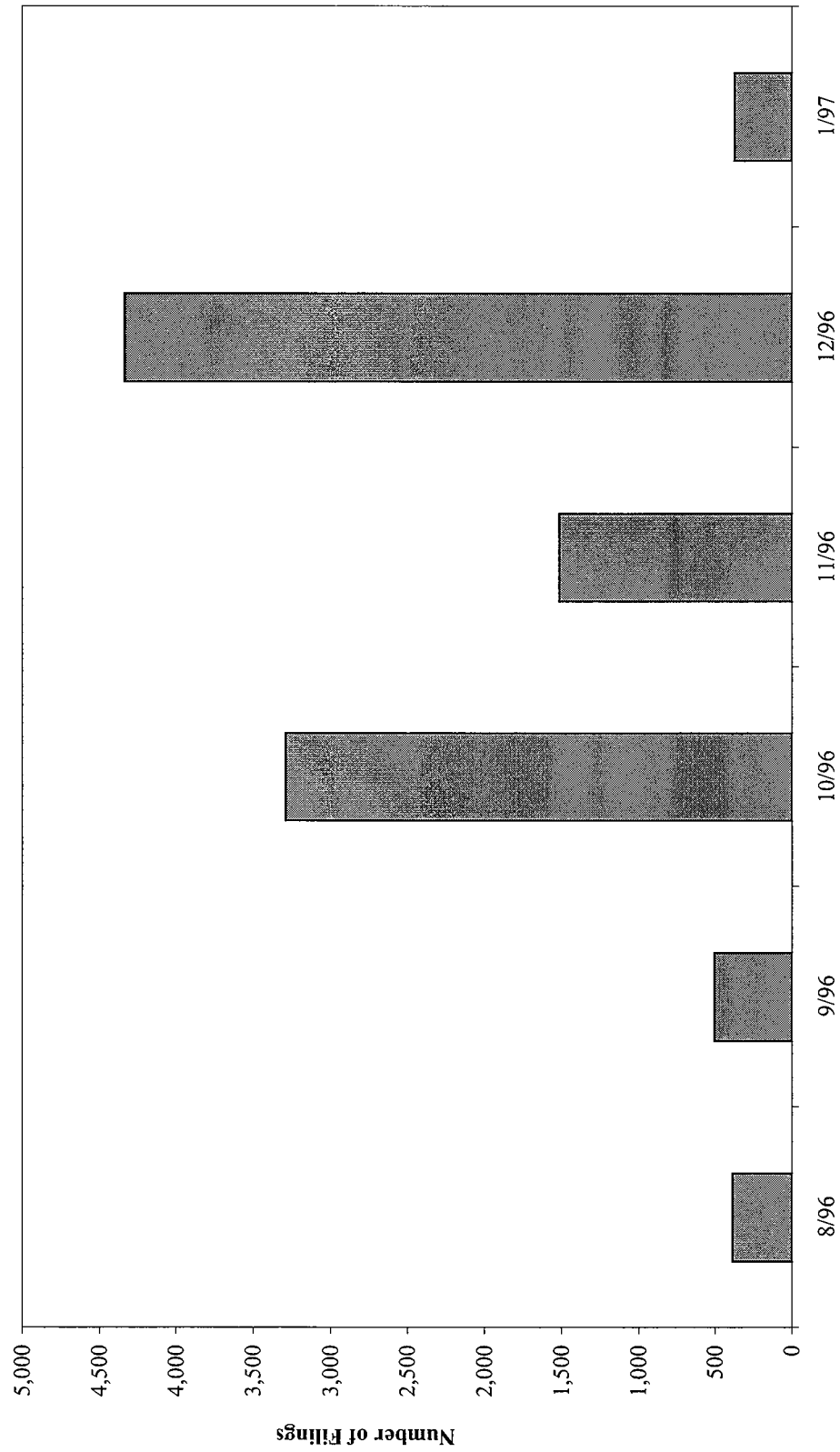
<sup>1</sup> High-volume doctors include: Jay Segarra, Dominic J. Gaziano, Ray Harron, Richard Levine, Maurice A. Bassali, Mark Colin Clark, Edward H. Holmes, Richard Smythe Kuebler, Phillip H. Lucas, Larry M. Mitchell, Robert A. Rosati, Mark A. Schiefer, Alvin J. Schonfeld. Names were obtained from the Manville 1998 audit memo.

(See Memo from Mark E. Lederer, Chief Financial Officer of the Manville Personal Injury Settlement Trust, April 24, 1998, CRMC 0168905-13.)

<sup>2</sup> Only the primary doctor name is considered when determining whether a claim is associated with a high-volume doctor. (The Manville variable "docname1" is used to identify primary doctors.)

<sup>3</sup> Non-malignant claims include claims with a disease of "asbestosis" and "pleural".

**Exhibit 8**  
**Manville Trust**  
**Filings of Disabling Asbestosis Surrounding December 1996 Switch to ATS Standards**



**Notes and Sources:**  
Data from Manville Trust Database, Manville Trust e-Extract Version 3.0 as of December 31, 2006.

**Exhibit 9**  
**Rabinovitz Medical Sample**  
**Rabinovitz Medical Statistics for Manville Asbestosis Claims Sample <sup>1</sup>**

Category (1)	Number of Claims (2)	Percentage of Claims (3)
<b>Claims with ILO and/or PFT Scores <sup>2,3</sup></b>		
Claims with ILO $\geq$ 2/1 and PFT < 65% <sup>4</sup>	16	1.01%
Claims with ILO $\geq$ 1/0 and PFT < 80% <sup>5</sup>	285	17.90%
Claims with ILO $\geq$ 1/0, but without PFT Score Showing Impairment	612	38.44%
Claims with ILO Score that Do Not Meet Asbestosis Criteria	30	1.88%
Claims without ILO Score	649	40.77%
<b>Total Claims</b>	<b>1,592</b>	<b>100.00%</b>
 <b>Total Claims with ILO Score</b>	 <b>943</b>	 <b>59.23%</b>
<b>Total Claims with PFT Score</b>	<b>1,040</b>	<b>65.33%</b>
<b>Total Claims with ILO and/or PFT Scores</b>	<b>1,330</b>	<b>100.00%</b>
<b>Total Claims</b>	<b>1,592</b>	<b>100.00%</b>

**Notes and Sources:**

-- "TLC" stands for total lung capacity; "FVC" stands for forced vital capacity.

<sup>1</sup> The Rabinovitz data includes a sample of 1,043 asbestosis and 549 disabling asbestosis claims.

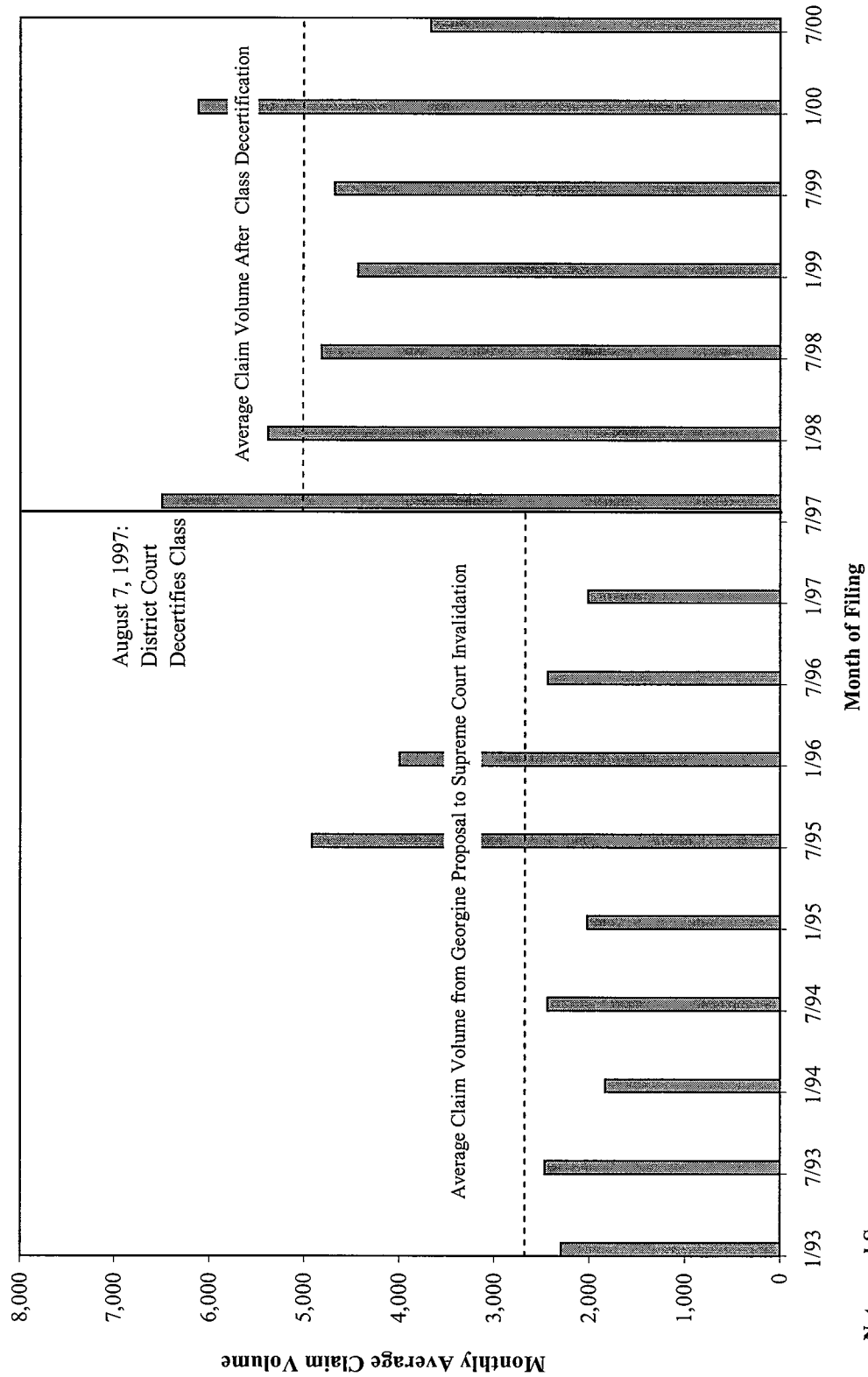
<sup>2</sup> Claimants fall into one unique category per section.

<sup>3</sup> Claims with PFT score includes any claims that have either (A) a TLC score or (B) both an FVC score and a FEV1/FVC ratio.

<sup>4</sup> Includes claims with an ILO  $\geq$  2/1 and TLC < 65% or FVC < 65% & FEV1/FVC  $\geq$  65%.

<sup>5</sup> Includes claims with an ILO  $\geq$  1/0 and TLC < 80% or FVC < 80% & FEV1/FVC  $\geq$  65%.

**Exhibit 10**  
**Center for Claims Resolution**  
**Average Monthly Claim Volume Surrounding Class Decertification**



**Notes and Sources:**

Data obtained from bundled Center for Claims Resolution database. Average claim volume is calculated in six-month intervals. Average volume prior to decertification includes 7 months (January 1997-July 1997) and average volume directly after decertification includes only August 1997-December 1997.

**Exhibit 11**  
**Summary of New Asbestos Claims**  
**1991-1995**

Company Name (1)	1991 (2)	1992 (3)	1993 (4)	1994 (5)	1995 (6)	1994-1995 Percentage Increase (7) ((6)-(5))/(5)
AC&S, INC./IREX CORP.	10,090	13,875	20,542	18,122	44,904	147.79 %
COLTEC INDUSTRIES <sup>1</sup>			27,400	29,800	44,000	47.65
DYNACORP./FULLER-AUSTIN INSULATION CORP.	360	1,785	668	1,026	4,647	352.92
FIBREBOARD CORPORATION	18,100	37,000	35,100	3,500	20,731	492.31
FOSTER WHEELER CORP.				26,400 <sup>2</sup>	39,000	47.73
OWENS-CORNING FIBERGLAS CORPORATION.	20,900	26,600	32,400	29,100	55,900	92.10
OWENS-ILLINOIS, INC.	19,000	19,000	14,000	12,000	15,000	25.00

**Notes and Sources:**

-- Data obtained from SEC 10-K filings for 1991-1995 for each company, unless noted otherwise. When available, data from the most recent 10-K filing is used.

-- Data is in claims filed unless otherwise noted.

<sup>1</sup> Data is in lawsuits. Coltec Industries' 10-K filing for 1993 states that the number of lawsuits received in 1991 and 1992 was comparable to the number of lawsuits received in 1993.

<sup>2</sup> Data obtained from 10-K/A filing.



## Exhibit 12

**W. R. Grace Historical Claims Database**  
**Percentage of Claims in Mass Filings <sup>1</sup>**

<b>Year Filed</b> <b>(1)</b>	<b>Maximum Claims in a Single Mass Filing</b> <b>(2)</b>	<b>Number of Claims in All Mass Filings <sup>2</sup></b> <b>(3)</b>	<b>Number of Claims with Law Firm Named <sup>1</sup></b> <b>(4)</b>	<b>Percentage of Claims in Mass Filing <sup>2</sup></b> <b>(5)</b> <b>(3)/(4)</b>
Pre-1990	131	131	1,344	9.7 %
1990	264	1,514	4,852	31.2
1991	1,113	4,836	8,369	57.8
1992	2,616	11,877	16,569	71.7
1993	1,820	8,023	13,398	59.9
1994	4,020	14,533	21,171	68.6
1995	5,124	26,372	32,730	80.6
1996	2,724	15,270	23,026	66.3
1997	5,621	13,758	20,714	66.4
1998	956	10,686	18,639	57.3
1999	4,747	13,695	23,805	57.5
2000	3,578	27,347	41,678	65.6
<b>Overall</b>	<b>5,621</b>	<b>148,042</b>	<b>226,295</b>	<b>65.4 %</b>

**Notes and Sources:**

-- Claims data obtained from counsel. Includes data through 2000, the last full year before Grace filed for bankruptcy on April 2, 2001.

-- Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, and claims with a claimant disposition type of "inactive".

<sup>1</sup> Only claims with a primary law firm are included (primary law firms are identified by a counsel type of "PRI"). Claims may have more than one primary law firm in the data. Claims with only one primary law firm are included.

<sup>2</sup> Mass filings were identified using a combination of primary law firm and file date. If over 50 claims were filed from the same primary law firm on the same file date, then the claims were considered a mass filing.

**Exhibit 13**  
**W. R. Grace Historical Claims Database**  
**Top 10 Instances of Mass Filings <sup>1</sup>**

Firm Name (1)	File Date (2)	Number of Claims in a Mass Filing <sup>2</sup> (3)
Weitz & Luxenberg	12/15/1997	5,621
Reaud Morgan & Quinn	1/26/1995	5,124
The Law Firm of Larry Norris	7/9/1999	4,747
William Bailey Law Firm LLP	10/10/1994	4,020
Nix Law Firm	8/31/1995	3,777
Peirce Raymond Osterhout Wade Carlson & Coulter	3/29/2000	3,578
Barrett Law Offices	3/24/2000	3,534
Provost Umphrey	11/22/1994	3,480
William Bailey Law Firm LLP	8/25/1995	3,447
Hartley & Obrien	3/29/1996	2,724

**Notes and Sources:**

-- Claims data obtained from counsel. Includes data through 2000, the last full year before Grace filed for bankruptcy on April 2, 2001.

-- Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, and claims with a claimant disposition type of "inactive".

<sup>1</sup> Only claims with a primary law firm are included (primary law firms are identified by a counsel type of "PRI"). Claims may have more than one primary law firm in the data. Claims with only one primary law firm are included.

<sup>2</sup> Mass filings were identified using a combination of primary law firm and file date. If over 50 claims were filed from the same primary law firm on the same file date, then the claims were considered a mass filing.

**Exhibit 14**  
**W. R. Grace Historical Claims Database**  
**Percentage of Claims in Group Settlements <sup>1</sup>**

Year Settled (1)	Number of Claims in Group Settlements <sup>2</sup> (2)	Number of Claims in All Settlements (3)	Percentage of Claims in Group Settlements <sup>2</sup> (4)	Total Indemnity for Group Settlements <sup>2</sup> (5)	Total Indemnity for All Settlements (6)	Percentage of Total Indemnity for Group Settlements <sup>2</sup> (7)
			(2)/(3)			(5)/(6)
Pre-1990	0	2,855	0.0 %	\$ 0	\$ 704,148,673	0.0 %
1990	0	2,322	0.0	0	8,776,525	0.0
1991	0	1,663	0.0	0	5,939,828	0.0
1992	0	3,276	0.0	0	10,484,240	0.0
1993	100	3,633	2.8	250,000	14,842,309	1.7
1994	772	5,817	13.3	4,326,000	22,751,278	19.0
1995	92	9,458	1.0	500,000	31,492,382	1.6
1996	20,377	34,122	59.7	42,387,480	74,503,021	56.9
1997	17,086	23,750	71.9	33,091,941	70,372,968	47.0
1998	10,947	20,424	53.6	51,526,650	91,583,869	56.3
1999	8,307	15,927	52.2	13,481,261	60,450,975	22.3
2000	18,241	27,344	66.7	64,584,625	151,173,965	42.7
<b>Overall for Years with Group Settlements (1993-2000)</b>	<b>75,922</b>	<b>140,475</b>	<b>54.0 %</b>	<b>\$ 210,147,957</b>	<b>\$ 517,170,768</b>	<b>40.6 %</b>

**Notes and Sources:**

-- Claims data obtained from counsel. Includes data through 2000, the last full year before Grace filed for bankruptcy on April 2, 2001.

-- Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, and claims with a claimant disposition type of "inactive".

<sup>1</sup> Includes all claims with a positive disposition amount.

<sup>2</sup> Group settlements are identified using the "settlement group" variable in the claims database. A claim is assumed to be part of a group settlement if the "settlement group" variable has a value other than "NONE" or "--NONE--". A claim is assumed to be a non-group settlement if the "settlement group" variable has a value of "NONE" or "--NONE--".

**Exhibit 15**  
**Historical Closed Claims Sample**  
**Probability of Group Settlement Based on Grace Job Nature Exposure<sup>1</sup>**

Disease <sup>2</sup> (1)	Claimant Has Grace Job Nature Exposure <sup>3</sup>	Claimant Does Not Have Grace Job Nature Exposure <sup>3</sup>
	(2)	(3)
Mesothelioma	0.189	0.247
Lung Cancer	0.394	0.478
Other Cancer	0.466	0.552
Non-Malignant	0.593	0.672

**Notes and Sources:**

-- All data from Historical Closed Claims Sample database received from counsel.

-- Includes claims in Historical Closed Claims Sample database that are also in Grace's historical claims database.

(Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, and claims with a claimant disposition type of "inactive".)

-- Includes claims with positive disposition amounts.

<sup>1</sup> Job Nature relating to Grace exposure identified from the "Exposure" table of the Historical Closed Claims Sample.

<sup>2</sup> The most severe diagnosed disease of each claimant is taken, unless the disease was diagnosed post-bankruptcy.

(In decreasing severity, diseases are ranked as follows: mesothelioma, lung cancer, other cancer, non-malignant, and unknown.)

<sup>3</sup> Probabilities are based on a logit regression of job nature on settlement type. See Exhibit 16 "Logit Regression: Group Settlement on Job Nature Exposure" for details.

## Exhibit 16

## Historical Closed Claims Sample

Logit Regression: Group Settlement on Job Nature Exposure<sup>1</sup>

Dependant Variable: Having a Group Settlement

Number of obs: 1,797

Prob &gt; Chi-Squared: 0.00

Pseudo R-Squared: 0.06

Explanatory Variables	Coefficient	Standard Error	t	P >  t	[95% Confidence Interval]	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Disease <sup>2</sup>						
Mesothelioma	-1.83	0.17	-10.95	0.00	-2.16	-1.51
Lung Cancer	-0.80	0.14	-5.91	0.00	-1.07	-0.54
Other Cancer	-0.51	0.14	-3.58	0.00	-0.79	-0.23
Job Nature <sup>3</sup>	-0.34	0.14	-2.48	0.01	-0.61	-0.07
Constant	0.72	0.07	10.04	0.00	0.58	0.86

## Notes and Sources:

-- All data from Historical Closed Claims Sample database received from counsel.

-- Includes claims in Historical Closed Claims Sample database that are also in Grace's historical claims database.

(Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or

"party in a claim", claims without a claimant ID, and claims with a claimant disposition type of "inactive".)

-- Includes claims with positive disposition amounts.

<sup>1</sup> The regression is limited to claims that have a positive settlement value.

<sup>2</sup> Disease equals disease from the Grace historical claims database. When disease is equal to "unknown" or asbestos related, it is replaced by the value of "final disease" from the Manville data (if the claim in question matches to Manville and the diagnosis date is pre-bankruptcy). The match to Manville is done using SSN or, if the Grace record has no SSN, the match is done using Lastname, Firstname, and Date of Birth. If there are multiple Manville records that match, the maximum disease is taken. Claims with "unknown" disease after matching to Manville are dropped from the regression. (In decreasing severity, diseases are ranked as follows: mesothelioma, lung cancer, other cancer, and non-malignant.)

<sup>3</sup> A claim is counted as having job nature (job nature=1) if one of the following is identified in the claim's exposure record: "Mixed Asbestos", "Installed Asbestos", or "Asbestos Other". If a claim has no exposure record, job nature is missing and is therefore excluded from the regression.

**Exhibit 17**  
**W. R. Grace Historical Claims Database**  
**Non-Malignant vs. Malignant Claims by State <sup>1</sup>**  
**Unknown Disease Claims Reallocated <sup>2</sup>**  
**1995-2000**

<b>State <sup>3</sup></b>	<b>Number of Non-Malignant Claims</b>	<b>Number of Malignant Claims</b>	<b>Ratio of Non-Malignant to Malignant Claims</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4) (2)/(3)</b>
MS	33,848	874	38.7
VA	1,119	35	32.2
WV	18,336	668	27.4
LA	7,794	386	20.2
AR	1,073	54	19.7
KY	968	50	19.5
OH	14,305	750	19.1
TX	63,136	3,721	17.0
GA	1,784	115	15.5
TN	1,253	81	15.4
NJ	1,062	82	12.9
SC	772	60	12.8
WI	860	73	11.8
NC	1,059	94	11.3
IN	1,699	151	11.2
FL	12,315	1,181	10.4
NY	8,648	878	9.9
MI	3,863	450	8.6
MA	1,695	275	6.2
MO	693	129	5.4
MN	584	122	4.8
IL	3,228	771	4.2
PA	2,481	640	3.9
CT	496	132	3.7
MD	1,945	627	3.1
CA	1,990	905	2.2

**Notes and Sources:**

-- Grace claims data obtained from counsel. Manville data is from Manville Trust e-Extract Version 3.0 as of December 31, 2006. Includes data through 2000, the last full year before Grace filed for bankruptcy on April 2, 2001.

-- Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, claims with a claimant disposition type of "inactive".

<sup>1</sup> Non-malignant diseases include "asbestosis", "pleural changes", "pleural disease", and "pleural thickening". Malignant diseases include "mesothelioma", "lung cancer", and "other cancer".

<sup>2</sup> Diseases originally coded as "unknown" or "asbestos related" in the Grace claims data were replaced with the disease of the matching claim in the Manville Trust database if the Manville disease was a cancer or a specific non-malignant disease and the Manville diagnosis date was prior Grace bankruptcy. (Grace claims were matched to Manville claims on the basis of Social Security Number or a combination of first name, last name, and date of birth.) "Unknown" and "asbestos related" claims that could not be matched to Manville were reallocated to a cancer or a specific non-malignant disease, using the disease mix of the "unknown" and "asbestos related" Grace claims that did match to Manville. (Specifically, for "asbestos related" claims, 0.94% were allocated to "mesothelioma", 3.03% to "lung cancer", 0.82% to "other cancer", and 95.22% to "non-malignant"; for "unknown" claims, 1.02% were allocated to "mesothelioma", 2.77% to "lung cancer", 0.72% to "other cancer", and 95.49% to "non-malignant").

<sup>3</sup> This table includes all states that have at least 500 claims in the Grace claims data for file years 1995-2000.

## Exhibit 18

## PIQ Database

**Number of Claims Specifying X-Ray Reader As The Only Diagnosing, Treating and/or Pathology Doctor <sup>1,2</sup>**  
**Non-Malignant Claims**

Disease <sup>3</sup>	(1)	(2)	(3)	(4)	(5)
					(4) / (3)
Severe Asbestosis		612	356	107	30.06%
Asbestosis		38,065	13,838	4,529	32.73%
Other Asbestos Disease		9,587	5,790	2,635	45.51%
Total		48,264	19,984	7,271	36.38%

**Notes and Sources:**

-- All data from PIQ database received from counsel.

-- Total number of claimants obtained from PIQ database after (1) removing duplicate observations from data; (2) removing claimants not matching to POC data; (3) removing claimants not matching to the pending claims in the Grace claims database; (4) removing claimants linking to withdrawn claims; and (5) removing claimants linking to correspondence documents from the Lipman Law Firm that we have been informed have been withdrawn.

-- All cleaning of duplicates and matching to other databases performed using various combinations of name, Social Security Number, date of birth, date of death, law firm and certain PIQ linking ID numbers provided in the data (specifically party ID, claimant ID and Rust ID).

<sup>1</sup> Claimants specifying any doctor include those who specify a diagnosing doctor and/or a treating doctor and/or a pathologist and/or an x-ray reader.

All x-ray readers from "XrayReader" field in "XrayReading" table from the PIQ database were used.

All treating doctors from "TreatingDoctorName" field in "Treatment" table from the PIQ database were used.

All diagnosing doctors from "DoctorName" field in "Doctor" table from the PIQ database were used.

All pathology doctors from "ReportDoctorName" field in "Report" table from the PIQ database were used.

PFT test doctors are not included.

<sup>2</sup> If every treating, diagnosing and/or pathology doctor listed by a claimant is also listed as an x-ray reader, then the claimant is included.

Additionally, claimants with an x-ray reader and no diagnosing, treating or pathology doctors are included.

Doctor first and last names cleaned for all suffixes. Doctor first names also cleaned for prefixes "DR " and "MD".

Doctor names matched by last name and first initial of first name.

<sup>3</sup> Most severe disease as indicated in "Condition" table of PIQ database was used for each claimant.

(In decreasing severity, diseases are ranked as follows: mesothelioma, lung cancer, other cancer, non-malignant, and unknown.)

## Exhibit 19

## Historical Closed Claims Sample

Number of Claims with Doctors Identified by Grace's Expert as Being Unreliable <sup>1, 2</sup>

Disease (1)	Number of Claims (2)	Number of Claims with X-Ray Reader (3)	Number of Claims Relying Solely on Unreliable X-Ray Reader <sup>3</sup> (4)	Percentage of Claims With X-Ray Reader Relying Solely on Unreliable X-Ray Reader <sup>3</sup> (5) (4)/(3)
Lung Cancer	352	204	55	26.96%
Other Cancer	249	193	95	49.22%
Non-Malignant <sup>4</sup>	1,218	1,201	716	59.62%
<b>Total</b>	<b>1,819</b>	<b>1,598</b>	<b>866</b>	<b>54.19%</b>

## Notes and Sources:

-- All data from Historical Closed Claims Sample database received from counsel.

-- Includes claims in Historical Closed Claims Sample database that are also in Grace's historical claims database.  
(Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, and claims with a claimant disposition type of "inactive".)

<sup>1</sup> All x-ray readers from the "XRay" tables from the Historical Closed Claims Sample database are used.

<sup>2</sup> The most severe diagnosed disease of each claimant is taken, unless the disease was diagnosed post-bankruptcy.  
(In decreasing severity, diseases are ranked as follows: mesothelioma, lung cancer, other cancer, non-malignant, and unknown.)

<sup>3</sup> See Exhibit 49 "Unreliable Doctor Lists Across Sources" for list of unreliable doctors identified by Grace's expert.

<sup>4</sup> Non-malignant diseases include clinically severe asbestosis, asbestosis, asbestos-related pleural disease, and other asbestos disease.



**Exhibit 20**  
**PIQ Database**  
**Number of Claims with Doctors Identified by Grace's Expert as Being Unreliable<sup>1,2</sup>**

Disease <sup>2</sup>	Number of Claims <sup>2</sup>	Number of Claims With X-Ray Reader <sup>1</sup>	Number of Claims Relying Solely on Unreliable X-Ray Reader <sup>1,3</sup>	Percentage of Claims With X-Ray Reader Relying Solely on Unreliable X-Ray Reader <sup>1,3</sup>	
				(4)	(5) (4)/(3)
Lung Cancer	4,181	1,683	458		27.21%
Other Cancer	1,718	802	290		36.16%
Non-Malignant	48,264	16,342	7,437		45.51%
<b>Total</b>	<b>54,163</b>	<b>18,827</b>	<b>8,185</b>		<b>43.47%</b>

**Notes and Sources:**

-- All data from PIQ database received from counsel.

-- Total number of claimants obtained from PIQ database after (1) removing duplicate observations from data; (2) removing claimants not matching to POC data; (3) removing claimants not matching to the pending claims in the Grace claims database; (4) removing claimants linking to withdrawn claims; and (5) removing claimants linking to correspondence documents from the Lipman Law Firm that we have been informed have been withdrawn.

-- All cleaning of duplicates and matching to other databases performed using various combinations of name, Social Security Number, date of birth, date of death, law firm and certain PIQ linking ID numbers provided in the data (specifically party ID, claimant ID and Rust ID).

<sup>1</sup> All x-ray readers from "XrayReader" field in "XrayReading" table from the PIQ database were used.

Unreliable doctor names were cleaned by removing any prefixes from first name and suffixes from last name. If an unreliable doctor name appeared 20 or more times in data from "XrayReading" table, it was also cleaned for misspellings. If an unreliable doctor's last name appeared in the data without first name, then that name only qualified as an unreliable doctor if it occurred 20 or more times in the data and that last name was only associated with the unreliable doctor's first name in the rest of the data.

<sup>2</sup> Most severe disease as indicated in "Condition" table of PIQ database was used for each claimant.

(In decreasing severity, diseases are ranked as follows: mesothelioma, lung cancer, other cancer, non-malignant, and unknown.)

<sup>3</sup> See Exhibit 49 "Unreliable Doctor Lists Across Sources" for list of unreliable doctors identified by Grace's expert.

<sup>4</sup> Non-malignant claimants include those with clinically severe asbestosis, asbestosis and other asbestos disease.

**Exhibit 21**  
**PIQ Attachment Sample**  
**Number of Claims with Doctors Identified by Grace's Expert as Being Unreliable<sup>1,2</sup>**

Disease <sup>2</sup>	Number of Claims	Number of Claims With X-Ray Reader <sup>1</sup>	Number of Claims Relying Solely on Unreliable X-Ray Reader <sup>1,3</sup>	Percentage of Claims With X-Ray Reader Relying Solely on Unreliable X-Ray Reader <sup>1,3</sup>
	(2)	(3)	(4)	(5)
Lung Cancer	416	336	72	21.43%
Other Cancer	128	123	37	30.08%
Non-Malignant <sup>4</sup>	2,040	1,863	913	49.01%
<b>Total</b>	<b>2,584</b>	<b>2,322</b>	<b>1,022</b>	<b>44.01%</b>

**Notes and Sources:**

-- All data from PIQ database received from counsel.

-- Total number of claimants obtained from PIQ database after (1) removing duplicate observations from data; (2) removing claimants not matching to POC data; (3) removing claimants not matching to the pending claims in the Grace claims database; (4) removing claimants linking to withdrawn claims; and (5) removing claimants linking to correspondence documents from the Lipman Law Firm that we have been informed have been withdrawn.

-- All cleaning of duplicates and matching to other databases performed using various combinations of name, Social Security Number, date of birth, date of death, law firm and certain PIQ linking ID numbers provided in the data (specifically party ID, claimant ID and Rust ID).

<sup>1</sup> All x-ray readers from "XrayReader" field in "XrayReading" table from the PIQ database were used.

Unreliable doctor names were cleaned by removing any prefixes from first name and suffixes from last name. If an unreliable doctor name appeared 20 or more times in data from "XrayReading" table, it was also cleaned for misspellings. If an unreliable doctor's last name appeared in the data without first name, then that name only qualified as an unreliable doctor if it occurred 20 or more times in the data and that last name was only associated with the unreliable doctor's first name in the rest of the data. In the PIQ Attachment Sample data, x-ray readers were identified from the "XRay" table.

<sup>2</sup> Most severe disease as indicated in "Condition" table of PIQ database was used for each claimant. This disease was updated if the "DiagnosisId" variable in the "CTScan", "MedicalReport", "Pathology", or "XRay" tables from the PIQ Attachment Sample data specified a more severe disease. In the PIQ Attachment Sample data, the most severe diagnosed disease of each claimant is taken, unless the disease was diagnosed post-bankruptcy.

(In decreasing severity, diseases are ranked as follows: mesothelioma, lung cancer, other cancer, non-malignant, and unknown.)

<sup>3</sup> See Exhibit 49 "Unreliable Doctor Lists Across Sources" for list of unreliable doctors identified by Grace's expert.

<sup>4</sup> Non-malignant claimants include those with clinically severe asbestosis, asbestosis and other asbestos disease.

## Exhibit 22

## Results of Independent B-Reader Evaluation of X-Rays Submitted by Lung Cancer and Other Cancer Claimants

PIQ Disease (1)	Total Claimants <sup>1</sup> (2)	Claimants Who Submitted an X- Ray and an ILO Reading of 1/0 or Higher <sup>2</sup> (3)	Claimants with ILO of 1/0 or Higher Based on Review by at Least Two Independent B-Readers (4)	Percentage of Claimants with ILO of 1/0 or Higher Based on Review by at Least Two Independent B- Readers (5) (4)/(2)	Percentage of Claimants Whose ILO Score was Rejected by at Least Two Independent B- Readers (6) 1-(4)/(3)
Lung Cancer	240	199	19	7.92 %	90.45 %
Other Cancer	124	94	5	4.03	94.68
<b>Total</b>	<b>364</b>	<b>293</b>	<b>24</b>	<b>6.59 %</b>	<b>91.81 %</b>

## Notes and Sources:

-- Data received from counsel.

<sup>1</sup> Only claimants who filed a Proof of Claim form (POC) in addition to their PIQ form and who matched to a pending claim in the historical Grace claims database are included.

<sup>2</sup> Some claimants provided an ILO reading for the x-ray submitted or for an x-ray with an earlier date. The count includes all claimants that provided an ILO reading of 1/0 or higher regardless of the date of the reading.

**Exhibit 23**  
**PIQ Attachment Sample**  
**ATS Non-Malignant Sample**  
**Claims Meeting ATS Standards for PFT Testing**

Category (1)	Number of Claims (2)	Percentage of Claims (3) (2) / 150
Total Claimants in ATS Non-Malignant Sample	150	100.00%
<b><u>A. Spirometry Standards</u></b>		
Claimants With Three Usable Tracings <sup>1</sup>	87	58.00%
Claimants Meeting All ATS Spirometry Standards <sup>2</sup>	9	6.00%
<b><u>B. Function Residual Capacity (FRC) Standards</u></b>		
Claimants With At Least Two Usable FRC Values	11	7.33%
Claimants Meeting All ATS FRC Standards <sup>2</sup>	10	6.67%
<b><u>C. Single Breath Diffusing Capacity (DLCO) Standards</u></b>		
Claimants With At Least Two Usable DLCO Values	39	26.00%
Claimants With At Least Two Usable DLCO Values Within 10% or Three Units of Each Other	35	23.33%
Claimants Meeting All ATS DLCO Standards <sup>2</sup>	17	11.33%
<b><u>D. All ATS Standards</u></b>		
Claimants Meeting All ATS Spirometry, FRC and DLCO Standards <sup>2</sup>	-	0.00%

**Notes and Sources:**

- Data obtained from counsel.
- Uses sample of 150 claimants taken from non-malignant claimants in PIQ Attachment Sample (as of 3/1/2007) with complete PFT information.

<sup>1</sup> Includes those who have either three volume-time tracings or three flow-volume tracings.

<sup>2</sup> Claimants meet all ATS Spirometry, Function Residual Capacity (FRC) and Single-Breath Diffusing Capacity (DLCO) Standards based on analysis completed by Dr. David Weill (Stanford University Medical Center).

**Exhibit 24**  
**Historical Closed Claims Sample**  
**Medical Statistics for Non-Malignant Claims <sup>1</sup>**

Category (1)	Number of Claims (2)	Percentage of Total Claims (3) (2)/1,218
<b>I. Criteria for Asbestosis <sup>2</sup></b>		
Claims with ILO $\geq$ 1/0	747	61.33%
Claims with ILO Score that Do Not Meet Asbestosis Criteria	94	7.72%
Claims without ILO Score	377	30.95%
<b>Total Claims</b>	<b>1,218</b>	<b>100.00%</b>
<b>II. Criteria for Pleural Thickening for Claims that Do Not Meet Asbestosis Criteria <sup>2</sup></b>		
Claims that Meet Asbestosis Criteria	747	61.33%
Claims that Do Not Meet Asbestosis Criteria, but Do Meet Pleural Thickening Criteria	220	18.06%
Claims that Do Not Meet Asbestosis or Pleural Thickening Criteria	251	20.61%
<b>Total Claims</b>	<b>1,218</b>	<b>100.00%</b>

**Notes and Sources:**

- All data from Historical Closed Claims Sample database received from counsel.
- Includes claims in Historical Closed Claims Sample database that are also in Grace's historical claims database.  
(Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, and claims with a claimant disposition type of "inactive".)
- The most severe diagnosed disease of each claimant is taken, unless the disease was diagnosed post-bankruptcy.  
(In decreasing severity, diseases are ranked as follows: mesothelioma, lung cancer, other cancer, non-malignant, and unknown.)
- The most severe ILO and PFT scores from the "XRay" and "PFT" tables are used.
- Claimants are considered to have a Diffuse Pleural Thickening Flag if they appear on the "XRay" table.
- Claimants are assumed to have evidence of diffuse pleural thickening if they have at least one diagnosis on the "XRay" table with "DiffusePleuralThickening" equal to 1.

<sup>1</sup> Non-malignant diseases include clinically severe asbestosis, asbestosis, asbestos-related pleural disease, and other asbestos disease.

<sup>2</sup> Claimants fall into one unique category per section.

**Exhibit 25**  
**PIQ Attachment Sample**  
**Medical Statistics for Non-Malignant Claims <sup>1</sup>**

Category (1)	Number of Claims (2)	Percentage of Total Claims (3) (2)/2,040
<b>I. Criteria for Asbestosis <sup>2</sup></b>		
Claims with ILO $\geq$ 1/0	1,279	62.70%
Claims with ILO Score that Do Not Meet Asbestosis Criteria	79	3.87%
Claims without ILO Score	682	33.43%
<b>Total Claims</b>	<b>2,040</b>	<b>100.00%</b>
<b>II. Criteria for Pleural Thickening for Claims that Do Not Meet Asbestosis Criteria <sup>2</sup></b>		
Claims that Meet Asbestosis Criteria	1,279	62.70%
Claims that Do Not Meet Asbestosis Criteria, but Do Meet Pleural Thickening Criteria	98	4.80%
Claims that Do Not Meet Asbestosis or Pleural Thickening Criteria	663	32.50%
<b>Total Claims</b>	<b>2,040</b>	<b>100.00%</b>

**Notes and Sources:**

- All data from PIQ database received from counsel.
- Total number of claimants obtained from PIQ database after (1) removing duplicate observations from data; (2) removing claimants not matching to POC data; (3) removing claimants not matching to the pending claims in the W.R. Grace claims database; (4) removing claimants linking to withdrawn claims; and (5) removing claimants linking to correspondence documents from the Lipman Law Firm that we have been informed have been withdrawn.
- All cleaning of duplicates and matching to other databases performed using various combinations of name, Social Security Number, date of birth, date of death, law firm and certain PIQ linking ID numbers provided in the data (specifically party ID, claimant ID and Rust ID).
- Most severe disease as indicated in "Condition" table of PIQ database was used for each claimant. This disease was updated if the "DiagnosisId" variable in the "CTScan", "MedicalReport", "Pathology", or "XRay" tables from the PIQ Attachment Sample data specified a more severe disease. In the PIQ Attachment Sample data, the most severe diagnosed disease of each claimant is taken, unless the disease was diagnosed post-bankruptcy.  
(In decreasing severity, diseases are ranked as follows: mesothelioma, lung cancer, other cancer, non-malignant, and unknown.)
- The most severe ILO score from the "XrayReading" table in the PIQ database and the "XRay" table in the PIQ Attachment Sample data are used.
- Claimants are considered to have a Diffuse Pleural Thickening Flag if they appear on the "XRay" table in the PIQ Attachment Sample data.

<sup>1</sup> Non-malignant claimants include those with clinically severe asbestosis, asbestosis and other asbestos disease.

<sup>2</sup> Claimants fall into one unique category per section.

## Exhibit 26

## Historical Closed Claims Sample

Number of Claims by Job Nature Relating to Exposure<sup>1</sup>

Job Nature <sup>1</sup>	(1)	Number of Claims (2)	Percentage of Claims (3)	Percentage of Claims With Non-Blank Entries (4)
<blank>			(2)/2,786	(2)/1,325
(A) Mixed Grace Asbestos-Containing Products		1,461	52.44 %	n.a. %
(B) Removed Grace Asbestos-Containing Products		189	6.78	14.26%
(C) Installed Grace Asbestos-Containing Products		54	1.94	4.08%
(D) Worked at Site or in Proximity to Where Grace Asbestos-Containing Products Were Used By Others		155	5.56	11.70%
(E) Worked in Space Where Grace Asbestos-Containing Products Were Used By Others		896	32.16	67.62%
(F) Other		1	0.04	0.08%
		30	1.08	2.26%
<b>Total Claims</b>		<b>2,786</b>	<b>100.00 %</b>	
<b>Claims with Non-Blank Entries</b>		<b>1,325</b>	<b>47.56</b>	<b>100.00 %</b>
<b>Claims That Specified Mixing or Installing Grace Asbestos-Containing Products, or That Specified Other Grace Asbestos Exposure [(A)+(C)+(F)]</b>		<b>374</b>	<b>13.42 %</b>	<b>28.23 %</b>

## Notes and Sources:

-- All data from Historical Closed Claims Sample database received from counsel.

-- Includes claims in Historical Closed Claims Sample database that are also in Grace's historical claims database. (Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, and claims with a claimant disposition type of "inactive".)

<sup>1</sup> Job Nature relating to Grace exposure is identified from the "Exposure" table of the Historical Claims Sample.

Job Nature is defined as follows:

<blank> if the flags for "RemovedAsbestos", "MixedAsbestos", "InstalledAsbestos", "WorkedInProximity", "AsbestosAtSite", "AsbestosInSpace" and "AsbestosOther" are all missing or equal to 0.

(A) if the flag for "MixedAsbestos" is equal to 1.

(B) if the flag for "RemovedAsbestos" is equal to 1.

(C) if the flag for "InstalledAsbestos" is equal to 1.

(D) if the flag for "AsbestosAtSite" or "WorkedInProximity" is equal to 1.

(E) if the flag for "AsbestosInSpace" is equal to 1.

(F) if the flag for "AsbestosOther" is equal to 1.

Assumes (A) corresponds to highest amount of exposure, followed by (C), (F), (B), (D), and (E), respectively. The flag corresponding to the highest amount of exposure was used for each claimant if the claimant specified more than one job nature flag.

**Exhibit 27**  
**PIQ Database**

**Number of Claims by Job Nature Relating to Grace Exposure<sup>1</sup>**

Job Nature Code <sup>1</sup>	(1)	Number of Claims (2)	Percentage of Claims (3)	Percentage of Claims With Non-Blank Entries (4)
<blank>				
(A) Mixed Grace Asbestos-Containing Products		48,056	83.15 %	n.a. %
(B) Removed or Cut Grace Asbestos-Containing Products		859	1.49	8.82
(C) Installed Grace Asbestos-Containing Products		354	0.61	3.63
(D) Worked at Site Where Grace Asbestos-Containing Products Were Used By Others		874	1.51	8.97
(E) Worked in Space Where Grace Asbestos-Containing Products Were Used By Others		6,294	10.89	64.63
(F) Other		1,245	2.15	12.78
		113	0.20	1.16
<b>Total Claims</b>		<b>57,795</b>	<b>100.00 %</b>	
<b>Claims with Non-Blank Entries</b>		<b>9,739</b>	<b>16.85 %</b>	<b>100.00 %</b>
<b>Claims That Specified Mixing or Installing Grace Asbestos-Containing Products, or That Specified Other Grace Asbestos Exposure [(A)+(C)+(F)]</b>		<b>1,846</b>	<b>3.19 %</b>	<b>18.95 %</b>

**Notes and Sources:**

-- All data from PIQ database received from counsel.

-- Total number of claimants obtained from PIQ database after (1) removing duplicate observations from data; (2) removing claimants not matching to POC data; (3) removing claimants not matching to the pending claims in the Grace claims database; (4) removing claimants linking to withdrawn claims; and (5) removing claimants linking to correspondence documents from the Lipman Law Firm that we have been informed have been withdrawn.

-- All clearing of duplicates and matching to other databases performed using various combinations of name, Social Security Number, date of birth, date of death, law firm and certain PIQ linking ID numbers provided in the data (specifically party ID, claimant ID and Rust ID).

<sup>1</sup> Job Nature relating to Grace exposure for is identified from "ExposureJobNature" field in the "ExposureDirect" table of the PIQ database.

According to PIQ, Job Nature code meanings are as follows:

(A) = A worker who personally mixed Grace asbestos-containing products.

(B) = A worker who personally removed or cut Grace asbestos-containing products.

(C) = A worker who installed Grace asbestos-containing products.

(D) = A worker at a site where Grace asbestos-containing products were being installed, mixed, removed or cut by others.

(E) = A worker in a space where Grace asbestos-containing products were being installed, mixed, removed or cut by others.

(F) = Other

Assumes (A) corresponds to highest amount of exposure, followed by (C), (F), (B), (D), and (E), respectively. The code relating to the highest amount of exposure was used for each claimant if more than one job nature code was specified.



**Exhibit 28**  
**PIQ Attachment Sample**  
**Number of Claims by Job Nature Relating to Grace Exposure<sup>1</sup>**

Job Nature Code <sup>1</sup>	(1)	Number of Claims	(2)	Percentage of Claims	(3)	Percentage of Claims With Non-Blank Entries	(4)
<blank>				(2) / 2,820	(3) / 2,064		
(A) Mixed Grace Asbestos-Containing Products		756		26.81 %	n.a. %		
(B) Removed or Cut Grace Asbestos-Containing Products		206		7.30	0.10		
(C) Installed Grace Asbestos-Containing Products		193		6.84	0.09		
(D) Worked at Site Where Grace Asbestos-Containing Products Were Used By Others		1,373		5.39	0.07		
(E) Worked in Space Where Grace Asbestos-Containing Products Were Used By Others		15		48.69	0.67		
(F) Other		125		0.53	0.01		
				4.43	0.06		
<b>Total Claims</b>		<b>2,820</b>		<b>100.00 %</b>			
<b>Claims with Non-Blank Entries</b>		<b>2,064</b>		<b>73.19 %</b>			
<b>Claims That Specified Mixing or Installing Grace Asbestos-Containing Products, or That Specified Other Grace Asbestos Exposure [(A)+(C)+(E)]</b>		<b>483</b>		<b>17.13 %</b>			

**Notes and Sources:**

-- All data from PIQ database received from counsel.

-- Total number of claimants obtained from PIQ database after (1) removing duplicate observations from data; (2) removing claimants not matching to POC data; (3) removing claimants not matching to the pending claims in the Grace claims database; (4) removing claimants linking to withdrawn claims; and (5) removing claimants linking to correspondence documents from the Lipman Law Firm that we have been informed have been withdrawn.

-- All cleaning of duplicates and matching to other databases performed using various combinations of name, Social Security Number, date of birth, date of death, law firm and certain PIQ linking ID numbers provided in the data (specifically party ID, claimant ID and Rust ID).

<sup>1</sup> Job Nature relating to Grace exposure for is identified from "Exposure/JobNature" field in the "ExposureDirect" table of the PIQ database.

In the PIQ Attachment Sample data, job nature relating to Grace exposure is identified from "Exposure" table.

According to PIQ, Job Nature code meanings are as follows:

(A) = A worker who personally mixed Grace asbestos-containing products.

(B) = A worker who personally removed or cut Grace asbestos-containing products.

(C) = A worker who installed Grace asbestos-containing products.

(D) = A worker at a site where Grace asbestos-containing products were being installed, mixed, removed or cut by others.

(E) = A worker in a space where Grace asbestos-containing products were being installed, mixed, removed or cut by others.

(F) = Other

In the PIQ Attachment Sample data, job nature relating to Grace exposure is identified from "Exposure" table and is defined as follows:

<blank> if the flags for "RemovedAsbestos", "MixedAsbestos", "InstalledAsbestos", "WorkedInProximity", "AsbestosAtSite", "AsbestosInSpace" and "AsbestosOther" are all missing or equal to 0.

(A) if the flag for "MixedAsbestos" is equal to 1.

(B) if the flag for "RemovedAsbestos" is equal to 1.

(C) if the flag for "InstalledAsbestos" is equal to 1.

(F) if the flag for "AsbestosOther" is equal to 1.

(D) if the flag for "AsbestosAtSite" or "WorkedInProximity" is equal to 1.

(E) if the flag for "AsbestosInSpace" is equal to 1.

Assumes (A) corresponds to highest amount of exposure, followed by (C), (B), (D), and (E), respectively. The code relating to the highest amount of exposure was used for each claimant if more than one job nature code was specified.

**Exhibit 29**  
**Historical Closed Claims Sample**  
**Number of Claims by Industry <sup>1</sup>**

<b>Total Number of Claims <sup>2</sup></b>	<b>2,786</b>
<b>Number of Claims With Industry Information <sup>1</sup></b>	<b>625</b>

Industry <sup>1</sup>	Number of Claims <sup>3</sup>	Percentage of Claims Specifying Industry <sup>1</sup>	Percentage of Total Claims
(1)	(2)	(3) (2)/625	(4) (2)/2,786
Iron/steel production	173	27.68%	6.21%
Construction (other than sandblasting)	110	17.60%	3.95%
Non-Grace asbestos manufacture or milling	92	14.72%	3.30%
Other	67	10.72%	2.40%
Chemical production	39	6.24%	1.40%
Tire and rubber	34	5.44%	1.22%
Textile	32	5.12%	1.15%
Shipyards	31	4.96%	1.11%
Petrochemical	22	3.52%	0.79%
Non-asbestos manufacturer	21	3.36%	0.75%
Railroad	12	1.92%	0.43%
Utilities	12	1.92%	0.43%
Maritime	9	1.44%	0.32%
Foundry/casting products	7	1.12%	0.25%
Military	6	0.96%	0.22%
Oil or gas drilling	3	0.48%	0.11%
Aerospace/aviation	2	0.32%	0.07%
Glass products	2	0.32%	0.07%
Longshore	2	0.32%	0.07%
Asbestos product manufacturing	2	0.32%	0.07%
Mining and quarrying	1	0.16%	0.04%
Clay or ceramic products	1	0.16%	0.04%
Insulation	1	0.16%	0.04%
Automotive	1	0.16%	0.04%

**Notes and Sources:**

<sup>1</sup> All data from Historical Closed Claims Sample database received from counsel.

<sup>1</sup> Industry is determined from the variables "IndustryId" and "IndustryVerbatim" of the "Exposure" table in the Historical Closed Claims Sample database. "IndustryVerbatim" was standardized.

<sup>2</sup> Includes claims in Historical Closed Claims Sample database that are also in Grace's historical claims database. (Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, and claims with a claimant disposition type of "inactive".)

<sup>3</sup> Claimants can specify multiple industries, and so may appear more than once on the table.

**Exhibit 30**  
**PIQ Database**  
**Number of Claims by Industry <sup>1</sup>**

<b>Total Number of Claims</b>	<b>57,795</b>
<b>Number of Claims With Industry Information <sup>1</sup></b>	<b>11,750</b>

<b>Industry <sup>1</sup></b>	<b>Number of Claims <sup>2</sup></b>	<b>Percentage of Claims Specifying Industry <sup>1</sup></b>	<b>Percentage of Total Claims</b>
<b>(1)</b>	<b>(2)</b>	<b>(3) (2) / 11,750</b>	<b>(4) (2) / 57,795</b>
Iron/steel	3,324	28.29%	5.75%
Construction trades	2,110	17.96%	3.65%
Utilities	1,516	12.90%	2.62%
Non-asbestos products manufacturing	1,378	11.73%	2.38%
Petrochemical	1,286	10.94%	2.23%
Other	1,153	9.81%	1.99%
Chemical	1,107	9.42%	1.92%
Railroad	837	7.12%	1.45%
Automotive	482	4.10%	0.83%
Shipyards - construction/repair	464	3.95%	0.80%
Non-Grace asbestos manufacture or milling	293	2.49%	0.51%
U.S. Navy	254	2.16%	0.44%
Textile	218	1.86%	0.38%
Tire/rubber	192	1.63%	0.33%
Military (other than U.S. Navy)	160	1.36%	0.28%
Grace asbestos manufacture or milling	149	1.27%	0.26%
Aerospace/aviation	106	0.90%	0.18%
Longshore	78	0.66%	0.13%
Maritime	36	0.31%	0.06%
Asbestos abatement/removal	13	0.11%	0.02%
Asbestos mining	11	0.09%	0.02%

**Notes and Sources:**

- All data from PIQ database received from counsel.
- Total number of claimants obtained from PIQ database after (1) removing duplicate observations from data; (2) removing claimants not matching to POC data; (3) removing claimants not matching to the pending claims in the Grace claims database; (4) removing claimants linking to withdrawn claims; and (5) removing claimants linking to correspondence documents from the Lipman Law Firm that we have been informed have been withdrawn.
- All cleaning of duplicates and matching to other databases performed using various combinations of name, Social Security Number, date of birth, date of death, law firm and certain PIQ linking ID numbers provided in the data (specifically party ID, claimant ID and Rust ID).

<sup>1</sup> Industry is determined from "ExposureDirect" table in PIQ database which documents job history during periods of Grace product exposure. Claimants specifying industries other than the choices listed on the PIQ Questionnaire (those listed above), are assumed to not have specified a valid industry.

<sup>2</sup> Claimants can specify multiple industries, and so may appear more than once on the table.

**Exhibit 31**  
**PIQ Attachment Sample**  
**Number of Claims by Industry <sup>1</sup>**

<b>Total Number of Claims</b>	<b>2,820</b>
<b>Number of Claims With Industry Information <sup>1</sup></b>	<b>1,387</b>

<b>Industry <sup>1</sup></b>	<b>Number of Claims <sup>2</sup></b>	<b>Percentage of Claims Specifying Industry <sup>1</sup></b>	<b>Percentage of Total Claims</b>
(1)	(2)	(3) (2) / 1,387	(4) (2) / 2,820
Construction trades	392	28.26%	13.90%
Iron/steel	351	25.31%	12.45%
Other	180	12.98%	6.38%
Utilities	171	12.33%	6.06%
Non-Grace asbestos manufacture or milling	143	10.31%	5.07%
Petrochemical	110	7.93%	3.90%
Non-asbestos products manufacturing	89	6.42%	3.16%
Military (other than U.S. Navy)	82	5.91%	2.91%
Chemical	58	4.18%	2.06%
Shipyards - construction/repair	35	2.52%	1.24%
Automotive	30	2.16%	1.06%
Railroad	26	1.87%	0.92%
Maritime and U.S. Navy	14	1.01%	0.50%
Tire/rubber	13	0.94%	0.46%
Textile	11	0.79%	0.39%
Grace asbestos manufacture or milling	8	0.58%	0.28%
Aerospace/aviation	6	0.43%	0.21%
Longshore	5	0.36%	0.18%
Asbestos abatement/removal	1	0.07%	0.04%
Asbestos mining	1	0.07%	0.04%

**Notes and Sources:**

- All data from PIQ database received from counsel.
  - Total number of claimants obtained from PIQ database after (1) removing duplicate observations from data; (2) removing claimants not matching to POC data; (3) removing claimants not matching to the pending claims in the Grace claims database; (4) removing claimants linking to withdrawn claims; and (5) removing claimants linking to correspondence documents from the Lipman Law Firm that we have been informed have been withdrawn.
  - All cleaning of duplicates and matching to other databases performed using various combinations of name, Social Security Number, date of birth, date of death, law firm and certain PIQ linking ID numbers provided in the data (specifically party ID, claimant ID and Rust ID).
- <sup>1</sup> Industry is determined from "ExposureDirect" table in PIQ database which documents job history during periods of Grace product exposure. Industry is determined from the variables "IndustryCode" and "IndustryVerbatim" in the "Exposure" table of the PIQ Attachment Sample data. Claimants specifying industries other than the choices listed on the PIQ Questionnaire (those listed above), are assumed to not have specified a valid industry.
- other linking ID numbers provided in data.

- <sup>2</sup> Claimants can specify multiple industries, and so may appear more than once on the table.

## Exhibit 32

## W. R. Grace Historical Claims Database

Claims Filed by Law Firms that Had Moratorium Agreements with W. R. Grace<sup>1</sup>

File Year	Claim Filed by Law Firms with Moratorium Agreements <sup>2</sup>	
	Total Claims Filed	(3)
(1)	(2)	
1996	31,658	14,258
1997	25,319	9,909
1998	29,141	2,024
1999	28,395	3,674
2000	49,349	9,201

## Notes and Sources:

-- Grace claims data obtained from counsel. Manville data is from Manville Trust e-Extract Version 3.0 as of December 31, 2006. Includes data through 2000, the last full year before Grace filed for bankruptcy on April 2, 2001.

-- Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, claims with a claimant disposition type of "inactive".

<sup>1</sup> Law firms that potentially had moratorium agreements with W.R. Grace are identified in Dr. Peterson's deposition. Those law firms are: Baron & Budd; Goldberg, Persky, Jennings & White; Hopkins Goldenberg, Lipman Law Firm; Ness Motley Loadholt Richardson & Poole; Nix Law Firm; Provost & Umphrey; Reaud Morgan & Quinn; Scruggs Law Firm; Weitz & Luxenberg P.C.; and William Bailey Law Firm LLP. (See Deposition of Mark A. Peterson, taken on September 9, 2002, pp. 490-6)

<sup>2</sup> Only claims with primary law firm are included in the analysis (primary law firms are identified by a counsel type of "PRI"). Claims may be associated with more than one primary law firm in the data. Claims with at least one primary law firm identified by Dr. Peterson as potentially having a moratorium agreement with W. R. Grace are included in this count.

**Exhibit 33**  
**Center for Claims Resolution**  
**Effect of Individual Variables on Predicted Mesothelioma Settlement**

	<u>Regression Coefficient <sup>1</sup></u>	<u>Statistically Significant? <sup>2</sup></u>	<u>Percentage Effect <sup>3</sup></u>
	(1)	(2)	(3)
<b>Constant</b>	9.4595 <i>89.34</i>	Yes	
<b>Set Trial Date</b>	0.1572 <i>8.66</i>	Yes	17.00%
<b>Other Control Variables <sup>1</sup></b>			
<b>R Square</b>	0.5435		
<b>Adjusted R Square</b>	0.5411		
<b>Standard Error</b>	0.7264		

**Notes and Sources:**

-- Data obtained from bundled Center for Claims Resolution database. Includes data through 2000, the last full year before Grace filed for bankruptcy on April 2, 2001. T-statistics are in italics.

<sup>1</sup> Coefficient values and t-statistics from a regression of ln(settlement amount) on a constant, and trial date, controlling for year of settlement, group settlement, industry, age of claimant, state in which claim was filed, and law firm.

<sup>2</sup> A "Yes" means that the coefficient is significant at the 5% level.

<sup>3</sup> Equals the exponential of (the coefficient minus half the coefficients's variance) minus 1. The coefficient's variance equals its standard error squared.

**Exhibit 34****W. R. Grace Historical Claims Database****Settlement Values for Mesothelioma Claims with and without Trial Date in the CCR Data,  
by Settlement Year <sup>1</sup>**

<b>Year Settled</b>	<b>Number of Claims with Trial Date <sup>2</sup></b>	<b>Average Settlement Value for Claims with Trial Date <sup>2</sup></b>	<b>Number of Claims without Trial Date <sup>2</sup></b>	<b>Average Settlement Value for Claims without Trial Date <sup>2</sup></b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>
Pre-1990	0	\$ n.a.	0	\$ n.a.
1990	2	136,400	0	n.a.
1991	8	42,625	5	16,648
1992	21	21,929	5	12,467
1993	16	176,866	6	9,583
1994	13	132,780	13	34,115
1995	29	175,699	16	19,750
1996	41	18,234	63	18,509
1997	147	27,123	125	10,283
1998	224	76,068	77	49,788
1999	174	46,801	79	29,012
2000	287	98,294	132	56,791
<b>Overall <sup>3</sup></b>	<b>962</b>	<b>\$ 71,573</b>	<b>521</b>	<b>\$ 32,699</b>

**Notes and Sources:**

- Claims data obtained from counsel. Manville data is from Manville Trust e-Extract Version 3.0 as of December 31, 2006. CCR data is from bundled Center for Claims Resolution database.
- Includes data through 2000, the last full year before Grace filed for bankruptcy on April 2, 2001.
- Diseases originally coded as "unknown" or "asbestos related" in the Grace claims data were replaced with the disease of the matching claim in the Manville Trust database if the Manville disease was a cancer or a specific non-malignant disease. (Grace claims were matched to Manville claims on the basis of Social Security Number or a combination of first name, last name, and date of birth.) Since this analysis was performed on the claim level for closed claims, remaining claims with "unknown" and "asbestos related" disease were not further reallocated to other disease categories.

- Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, claims with a claimant disposition type of "inactive".

<sup>1</sup> Includes claims with positive disposition amounts.

<sup>2</sup> The Grace claims data does not contain trial date information. Thus, the trial date of the matching claim in the CCR database is used. Grace claims were matched to CCR claims on the basis of Social Security Number or a combination of first name, last name, and date of birth. Only claims matched to the CCR database are included in this analysis.

<sup>3</sup> Overall average settlements by year differ from the simple average of the average settlements by year because they are weighted by the number of claims.

**Exhibit 35****W. R. Grace Historical Claims Database****Effect of Individual Variables on Settlement Values for Paid Mesothelioma Claims <sup>1</sup>**

	<b>Regression Coefficient <sup>2</sup></b>	<b>Statistically Significant? <sup>3</sup></b>	<b>Percentage Effect <sup>4</sup></b>
	<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
<b>Constant</b>	9.1198 <i>22.67</i>	Yes	
<b>Set Trial Date <sup>5</sup></b>	0.1380 <i>2.03</i>	Yes	14.53%
<b>Other Control Variables <sup>2</sup></b>			
<b>R Squared</b>	0.4204		
<b>Adjusted R Squared</b>	0.4081		
<b>Standard Error</b>	1.0791		

**Notes and Sources:**

- Grace claims data obtained from counsel. Manville data is from Manville Trust e-Extract Version 3.0 as of December 31, 2006. T-statistics are in italics.
- Includes data through 2000, the last full year before Grace filed for bankruptcy on April 2, 2001.
- Diseases originally coded as "unknown" or "asbestos related" in the Grace claims data were replaced with the disease of the matching claim in the Manville Trust database if the Manville disease was a cancer or a specific non-malignant disease. (Grace claims were matched to Manville claims on the basis of social security number or a combination of first name, last name, and date of birth.) Since this analysis was performed on the claim level for closed claims, remaining claims with "unknown" and "asbestos related" disease were not further reallocated to other disease categories.
- Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, claims with a claimant disposition type of "inactive".

<sup>1</sup> Includes claims with positive disposition amounts.

<sup>2</sup> Coefficient values and t-statistics from a regression of ln(settlement amount) on a constant and trial date, controlling for year of settlement, group settlement, age of claimant, state in which claim was filed, and primary law firm.  
Only claims with a primary law firm are included (primary law firms are identified by a counsel type of "PRI").

<sup>3</sup> A "Yes" means that the coefficient is significant at the 5% level.

<sup>4</sup> Equals the exponential of (the coefficient minus half the coefficients's variance) minus 1.  
The coefficient's variance equals its standard error squared.

<sup>5</sup> The Grace claims data does not contain trial date information. Thus, the trial date of the matching claim in the CCR database is used. Grace claims were matched to CCR claims on the basis of Social Security Number or a combination of first name, last name, and date of birth. Only claims matched to the CCR database are included in this analysis.



## Exhibit 36

## W. R. Grace Historical Claims Database

Average Settlements in Texas Tend to be Higher than Average Settlements for Other States<sup>1</sup>

Settlement Year (1)	Malignant Diseases <sup>2</sup>		Non-Malignant Diseases <sup>3</sup>		All Diseases <sup>4</sup>	
	Average Settlement Value in Texas (2)	Average Settlement Value for All Other States (3)	Average Settlement Value in Texas (4)	Average Settlement Value for All Other States (5)	Average Settlement Value in Texas (6)	Average Settlement Value for All Other States (7)
Pre-1990	\$ 3,570	\$ 27,672	\$ 1,740	\$ 3,306	\$ 1,824	\$ 4,949
1990	4,470	17,755	2,370	3,310	2,381	3,957
1991	11,667	13,969	6,996	2,644	7,364	3,717
1992	12,864	10,144	5,311	2,552	5,876	3,247
1993	7,594	17,508	4,343	2,651	4,582	4,271
1994	11,593	12,609	3,937	2,785	5,058	3,911
1995	29,500	14,749	3,149	1,874	6,065	3,336
1996	12,224	10,797	2,049	1,807	2,392	2,183
1997	22,918	11,975	3,670	2,208	5,512	2,963
1998	27,481	19,959	3,450	2,724	5,713	4,484
1999	21,459	22,545	2,882	2,243	4,509	3,796
2000	35,883	32,555	4,550	3,233	7,242	5,529

## Notes and Sources:

- Claims data obtained from counsel.
- Includes data through 2000, the last full year before Grace filed for bankruptcy on April 2, 2001.
- Diseases originally coded as "unknown" or "asbestos related" in the Grace claims data were replaced with the disease of the matching claim in the Manville Trust database if the Manville disease was a cancer or a specific non-malignant disease. (Grace claims were matched to Manville claims on the basis of Social Security Number or a combination of first name, last name, and date of birth.) Since this analysis was performed on the claim level for closed claims, remaining claims with "unknown" and "asbestos related" disease were not further reallocated to other disease categories.
- Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of "consortium" or "party in a claim", claims without a claimant ID, and claims with a claimant disposition type of "inactive".
- <sup>1</sup> Includes all claims with a positive disposition amount.
- <sup>2</sup> Malignant diseases include "mesothelioma", "lung cancer", and "other cancer".
- <sup>3</sup> Non-malignant diseases include "asbestosis", "pleural", and "asbestos-related".
- <sup>4</sup> Excludes claims for which disease remains unknown after reallocation using Manville match.

**Exhibit 37****W. R. Grace Historical Claims Database****Effect of Individual Variables on Settlement Values for Paid Claims <sup>1</sup>**

	<b>Regression Coefficient <sup>2</sup></b>	<b>Statistically Significant? <sup>3</sup></b>	<b>Percentage Effect <sup>4</sup></b>
	<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
<b>Constant</b>	8.0523 <i>106.22</i>	Yes	
<b>Texas</b>	0.1861 <i>14.19</i>	Yes	20.44%
<b>Other Control Variables <sup>2</sup></b>			
<b>R Square</b>	0.7581		
<b>Adjusted R Square</b>	0.7580		
<b>Standard Error</b>	0.3764		

**Notes and Sources:**

- Grace claims data obtained from counsel. Manville data is from Manville Trust e-Extract Version 3.0 as of December 31, 2006. T-statistics are in italics. Includes data through 2000, the last full year before Grace filed for bankruptcy on April 2, 2001.
- Diseases originally coded as "unknown" or "asbestos related" in the Grace claims data were replaced with the disease of the matching claim in the Manville Trust database if the Manville disease was a cancer or a specific non-malignant disease. (Grace claims were matched to Manville claims on the basis of social security number or a combination of first name, last name, and date of birth.) Since this analysis was performed on the claim level for closed claims, remaining claims with "unknown" and "asbestos related" disease were not further reallocated to other disease categories.
- Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, claims with a claimant disposition type of "inactive".

<sup>1</sup> Includes claims with positive disposition amounts.

<sup>2</sup> Coefficient values and t-statistics from a regression of ln(settlement amount) on a constant and a dummy for Texas, controlling for year of settlement, group settlement, type of disease, age of claimant, state in which claim was filed, and law firm. Only claims with a primary law firm are included (primary law firms are identified by a counsel type of "PRI").

<sup>3</sup> A "Yes" means that the coefficient is significant at the 5% level.

<sup>4</sup> Equals the exponential of (the coefficient minus half the coefficients's variance) minus 1. The coefficient's variance equals its standard error squared.

## Exhibit 38

## W. R. Grace Historical Claims Database

**Total Settlement Value in Texas and Mississippi as a Percentage of Total Settlement Value for All States <sup>1</sup>**  
**For Non-Malignant Disease Settlements <sup>2</sup>**

Settlement Year	Texas			Mississippi		All States
	Total Settlement Value	As Percentage of Settlement Value for All States		Total Settlement Value	As Percentage of Settlement Value for All States	Total Settlement Value
	(2)	(3) (2)/(6)		(4)	(5) (4)/(6)	(6)
Pre-1985	\$ -	- %	\$	-	- %	\$ 271,529
1985	-	-		-	-	42,900
1986	-	-		-	-	922,625
1987	1,700	0.26		-	-	650,126
1988	12,300	0.97		-	-	1,272,278
1989	3,635,518	69.24		-	-	5,250,761
1990	2,222,633	34.58		-	-	6,428,435
1991	244,850	6.97		-	-	3,511,855
1992	722,250	11.32		-	-	6,382,764
1993	2,188,750	29.19		-	-	7,497,738
1994	5,184,772	36.15		-	-	14,341,215
1995	7,441,010	47.46		-	-	15,677,378
1996	51,952,731	87.96		-	-	59,062,123
1997	12,927,686	26.71		-	-	48,398,190
1998	30,990,338	62.04		883,000	1.77	49,949,085
1999	12,454,213	37.75		7,015,000	21.26	32,990,713
2000	41,286,594	50.68		19,351,619	23.75	81,472,808

**Notes and Sources:**

- Claims data obtained from counsel.
- Includes data through 2000, the last full year before Grace filed for bankruptcy on April 2, 2001.
- Diseases originally coded as "unknown" or "asbestos related" in the Grace claims data were replaced with the disease of the matching claim in the Manville Trust database if the Manville disease was a cancer or a specific non-malignant disease. (Grace claims were matched to Manville claims on the basis of Social Security Number or a combination of first name, last name, and date of birth.) Since this analysis was performed on the claim level for closed claims, remaining claims with "unknown" and "asbestos related" disease were not further reallocated to other disease categories.
- Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, and claims with a claimant disposition type of "inactive".

<sup>1</sup> Includes all claims with a positive disposition amount.

<sup>2</sup> Non-malignant diseases include "asbestosis", "pleural", and "asbestos-related".

## Exhibit 39

## Venue and Medical Impairment Legislative and Judicial Reform, by State

**I. Legislative Reforms**

<u>State</u>	<u>County</u>	<u>Venue Reform</u>	<u>Medical Impairment Required</u>
Alabama		1987	
Arkansas		2003	
Florida			2005
Georgia		2003	2005
		2005	
Kansas			2006
Louisiana		1999	
Michigan		1995	
Mississippi		2002	
		2004	
Missouri		2005	
Ohio			2004
South Carolina		2005	2006
Tennessee			2006
Texas		1995	2005
		2003	
West Virginia		2003	

**II. Judicial Reforms**<sup>1</sup>

<u>State</u>	<u>County</u>	<u>Case Management Orders</u>	<u>Reduce Liability or Medical Impairment Required</u>
Massachusetts	Statewide		1990s
Illinois	Cook		1991
	Madison		2004
	St. Clair		2005
Maryland	Baltimore		1992
New York	New York City		2002
	Syracuse		2003
Virginia	Portsmouth		2004
Washington	Seattle		2002
South Carolina	Greenville County	2002	
West Virginia	Kanawha County <sup>2</sup>	2002	
Ohio	Cuyahoga County <sup>3</sup>	2004	
Texas	Harris County <sup>4</sup>	2004	
Oregon	Multnomah County <sup>5</sup>	Not Given	

**Notes and Sources:**

— Data obtained from American Tort Reform Association, *Tort Reform Record* (February 8, 2005), available at [www.atra.org](http://www.atra.org). Data also obtained from the respective bills and state websites.

<sup>1</sup> Refers to the establishment of deferred dockets.

<sup>2</sup> Applies to the Circuit Court of Kanawha County.

<sup>3</sup> Applies to the Common Pleas for Cuyahoga County.

<sup>4</sup> Applies to the District Court of Harris County.

<sup>5</sup> Applies to the Multnomah County Circuit Court.

**Exhibit 40**  
**Manville Trust**  
**Percent of Manville Non-Malignant Claims That Are Unimpaired**  
**From Manville's Switch to More Stringent ATS Standards to the Beginning of Medical Reform in Each State <sup>1</sup>**

Filing State (1)	Number of Non-Malignant Claims <sup>2</sup> (2)	Number of Unimpaired Claims (3)	Percentage of Non-Malignant Claims That Are Unimpaired (3)/(2)
Florida	15,870	10,808	68.10 %
Georgia	4,092	2,391	58.43
Kansas	627	420	66.99
New York	10,871	9,365	86.15
Ohio	36,857	29,076	78.89
South Carolina	2,051	1,172	57.14
Tennessee	2,132	1,559	73.12
Texas	75,384	37,960	50.36
<b>Total for States with Medical Requirements Reforms</b>	<b>147,884</b>	<b>92,751</b>	<b>62.72 %</b>

**Notes and Sources:**

-- Data from Manville Trust Database, Manville Trust e-Extract Version 3.0 as of December 31, 2006.

-- "Non-Malignant" claims include claims with "pleural" and "asbestosis" disease.

<sup>1</sup> Manville's switch to more stringent ATS standards became effective December 2, 1996.

Legislative medical reform became effective July 1, 2005 for Florida, April 12, 2005 for Georgia,

July 1, 2006 for Kansas, September 1, 2004 for Ohio, May 24, 2006 for South Carolina, July 1, 2006

for Tennessee, and September 1, 2005 for Texas. New York experienced judicial reform in the year 2002.

Data from December 2, 1996 through the day before each state's medical reforms went into effect are used

for analysis. Because New York does not have a specific date for its judicial reform, data from December 2, 1996 through the end of 2001 are used.

<sup>2</sup> Includes only claims for which impairment can be determined.

**Exhibit 41**  
**Manville Trust**  
**Mississippi Out of State Filings**

<b>Year Filed</b>	<b>Claims Filed in Mississippi</b>	<b>Mississippi Claims Filed by Mississippi Residents</b>	<b>Mississippi Claims Filed by Non-Mississippi Residents</b>	<b>Percent In-State Filers</b>	<b>Percent Out-of-State Filers</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>	<b>(6)</b>
Overall	81,269	37,744	43,525	(3)/(2) 46.44 %	(4)/(2) 53.56 %

**Notes and Sources:**

-- Data is from Manville Trust Database, Manville Trust e-Extract Version 3.0 as of December 31, 2006.

## Exhibit 42

## W. R. Grace Historical Claims Database

Non-Malignant Claims Filed in States with Medical Requirements Reforms <sup>1</sup>

State (1)	Number of Non-Malignant Claims (2)	Percentage of Total Claims (3)
		(2)/246,510
Florida	15,840	6.43 %
Georgia	207	0.08
Kansas	193	0.08
New York	12,791	5.19
Ohio	12,291	4.99
South Carolina	398	0.16
Tennessee	2,179	0.88
Texas	73,310	29.74
<b>Total Reform States</b>	<b>117,209</b>	<b>47.55 %</b>
<b>Total Estimated Unimpaired in Reform States <sup>2</sup></b>	<b>71,395</b>	<b>60.91 % <sup>2</sup></b>
<b>Total All States</b>	<b>246,510</b>	

## Notes and Sources:

-- Grace claims data obtained from counsel. Manville data is from Manville Trust e-Extract Version 3.0 as of December 31, 2006.

-- Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, and claims with a claimant disposition type of "inactive".

-- Diseases originally coded as "unknown" or "asbestos related" in the Grace claims data were replaced with the disease of the matching claim in the Manville Trust database if the Manville disease was a cancer or a specific non-malignant disease and the Manville diagnosis date was prior Grace bankruptcy. (Grace claims were matched to Manville claims on the basis of Social Security Number or a combination of first name, last name, and date of birth.)

<sup>1</sup> Non-malignant diseases include "asbestosis", "pleural", and "asbestos related".

<sup>2</sup> The percentage of Grace unimpaired non-malignant claims is determined using the Manville evaluated injury of the matching non-malignant claim in the Manville data. Manville evaluated injury is defined using the TDP under which the claim was resolved. Only the Grace non-malignant claims that matched to a Manville non-malignant claim and for which impairment can be determined are used in the calculation of the total percent of unimpaired claims.

**Exhibit 43**  
**PIQ Database**  
**Non-Malignant Claims Filed in States with Medical Requirements Reforms** <sup>1,2</sup>

State <sup>1</sup> (1)	Number of Non-Malignant Claims <sup>2</sup> (2)	Percent of Total Claims <sup>3</sup> (3)
Florida	1,742	3.67 %
Georgia	623	1.31
Kansas	2	0.00
New York	1,563	3.30
Ohio	13,132	27.69
South Carolina	589	1.24
Tennessee	850	1.79
Texas	7,362	15.52
<b>Total Reform States</b>	<b>25,863</b>	<b>54.54 %</b>
<b>Total Estimated Unimpaired in Reform States</b> <sup>4</sup>	<b>19,906</b>	<b>76.97 %</b>
<b>Total All States</b> <sup>3</sup>	<b>47,421</b>	

**Notes and Sources:**

- All data from PIQ database received from counsel.
- Total number of claimants obtained from PIQ database after (1) removing duplicate observations from data; (2) removing claimants not matching to POC data; (3) removing claimants not matching to the pending claims in the Grace claims database; (4) removing claimants linking to withdrawn claims; and (5) removing claimants linking to correspondence documents from the Lipman Law Firm that we have been informed have been withdrawn.
- All cleaning of duplicates and matching to other databases performed using various combinations of name, Social Security Number, date of birth, date of death, law firm and certain PIQ linking ID numbers provided in the data (specifically party ID, claimant ID and Rust ID).
- Most severe disease as indicated in "Condition" table of PIQ database was used for each claimant. (In decreasing severity, diseases are ranked as follows: mesothelioma, lung cancer, other cancer, non-malignant, and unknown.)
- <sup>1</sup> State data obtained from "State" variable in Grace claims database.
- <sup>2</sup> Non-malignant claimants include those with clinically severe asbestosis, asbestosis and other asbestos disease.
- <sup>3</sup> Includes only those claimants with usable state data. Claimants listing zero or more than one state are not included.
- <sup>4</sup> The percentage of Grace unimpaired non-malignant claims is determined using the Manville evaluated injury of the matching non-malignant claim in the Manville data. Manville evaluated injury is defined using the TDP under which the claim was resolved. Only the Grace non-malignant claims that matched to a Manville non-malignant claim and for which impairment can be determined are used in the calculation of the total percent of unimpaired claims.



**Exhibit 44**  
**Historical Closed Claims Sample**  
**Medical Statistics for Non-Malignant Claims <sup>1</sup>**

Category (1)	Number of Claims (2)	Percentage of Total Claims (3) (2)/1,218
<b>I. Criteria for Asbestosis <sup>2,3</sup></b>		
Claims with ILO $\geq$ 2/1 and PFT < 65% <sup>4</sup>	3	0.25%
Claims with ILO $\geq$ 1/0 and PFT < 80% <sup>5</sup>	84	6.90%
Claims with ILO $\geq$ 1/0, but without PFT Score Showing Impairment	660	54.19%
Claims with ILO Score that Do Not Meet Asbestosis Criteria	94	7.72%
Claims without ILO Score	377	30.95%
<b>Total Claims</b>	<b>1,218</b>	<b>100.00%</b>
<b>II. Criteria for Pleural Thickening for Claims that Do Not Meet Asbestosis Criteria <sup>2</sup></b>		
Claims that Meet Asbestosis Criteria	747	61.33%
Claims that Do Not Meet Asbestosis Criteria, but Do Meet Pleural Thickening Criteria	220	18.06%
Claims that Do Not Meet Asbestosis or Pleural Thickening Criteria	251	20.61%
<b>Total Claims</b>	<b>1,218</b>	<b>100.00%</b>
<b>Total Claims with ILO Score</b>	<b>841</b>	<b>69.05%</b>
<b>Total Claims with PFT Score</b>	<b>486</b>	<b>39.90%</b>
<b>Total Claims with ILO and/or PFT Scores</b>	<b>1,027</b>	<b>84.32%</b>
<b>Total Claims with Medical Information</b>	<b>1,209</b>	<b>99.26%</b>
<b>Total Claims</b>	<b>1,218</b>	<b>100.00%</b>

**Notes and Sources:**

- All data from Historical Closed Claims Sample database received from counsel.
  - Includes claims in Historical Closed Claims Sample database that are also in Grace's historical claims database.  
(Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, and claims with a claimant disposition type of "inactive".)
  - The most severe diagnosed disease of each claimant is taken, unless the disease was diagnosed post-bankruptcy.  
(In decreasing severity, diseases are ranked as follows: mesothelioma, lung cancer, other cancer, non-malignant, and unknown.)
  - The most severe ILO and PFT scores from the "XRay" and "PFT" tables are used.
  - Claimants are considered to have a Diffuse Pleural Thickening Flag if they appear on the "XRay" table.
  - Claimants are assumed to have evidence of diffuse pleural thickening if they have at least one diagnosis on the "XRay" table with "DiffusePleuralThickening" equal to 1.
  - "TLC" stands for total lung capacity; "FVC" stands for forced vital capacity.
- <sup>1</sup> Non-malignant diseases include clinically severe asbestosis, asbestosis, asbestos-related pleural disease, and other asbestos disease.
- <sup>2</sup> Claimants fall into one unique category per section.
- <sup>3</sup> Claims with PFT score includes any claims that have either (A) a TLC score or (B) both an FVC score and a FEV1/FVC ratio.
- <sup>4</sup> Includes claims with an ILO  $\geq$  2/1 and TLC < 65% or FVC < 65% & FEV1/FVC  $\geq$  65%.
- <sup>5</sup> Includes claims with an ILO  $\geq$  1/0 and TLC < 80% or FVC < 80% & FEV1/FVC  $\geq$  65%.

**Exhibit 45**  
**PIQ Database**  
**Medical Statistics for Non-Malignant Claims <sup>1</sup>**

Category (1)	Number of Claims (2)	Percentage of Claims (3)
<b>Claims with ILO and/or PFT Scores <sup>2,3</sup></b>		
Claims with ILO $\geq$ 2/1 and PFT < 65% <sup>4</sup>	123	0.25%
Claims with ILO $\geq$ 1/0 and PFT < 80% <sup>5</sup>	3,378	7.00%
Claims with ILO $\geq$ 1/0, but without PFT Score Showing Impairment	8,710	18.05%
Claims with ILO Score that Do Not Meet Asbestosis Criteria	965	2.00%
Claims without ILO Score	35,088	72.70%
<b>Total Claims</b>	<b>48,264</b>	<b>100.00%</b>
<b>Total Claims with ILO Score</b>	<b>13,176</b>	<b>27.30%</b>
<b>Total Claims with PFT Score</b>	<b>12,773</b>	<b>26.46%</b>
<b>Total Claims with ILO and/or PFT Scores</b>	<b>17,428</b>	<b>36.11%</b>
<b>Total Claims</b>	<b>48,264</b>	<b>100.00%</b>

**Notes and Sources:**

- All data from PIQ database received from counsel.
- Total number of claimants obtained from PIQ database after (1) removing duplicate observations from data; (2) removing claimants not matching to POC data; (3) removing claimants not matching to the pending claims in the W.R. Grace claims database; (4) removing claimants linking to withdrawn claims; and (5) removing claimants linking to correspondence documents from the Lipman Law Firm that we have been informed have been withdrawn.
- All cleaning of duplicates and matching to other databases performed using various combinations of name, Social Security Number, date of birth, date of death, law firm and certain PIQ linking ID numbers provided in the data (specifically party ID, claimant ID and Rust ID).
- Most severe disease as indicated in "Condition" table of PIQ database was used for each claimant. (In decreasing severity, diseases are ranked as follows: mesothelioma, lung cancer, other cancer, non-malignant, and unknown.)
- The most severe ILO and PFT scores from the "XrayReading" and "Test" tables are used.
- No indicator of pleural disease exists in the PIQ database.
- "TLC" stands for total lung capacity; "FVC" stands for forced vital capacity.

<sup>1</sup> Non-malignant claimants include those with clinically severe asbestosis, asbestosis and other asbestos disease.

<sup>2</sup> Claimants fall into one unique category per section.

<sup>3</sup> Those with PFT score includes any claims that have either (A) a TLC score or (B) both an FVC score and a FEV1/FVC ratio.

<sup>4</sup> Includes claims with an ILO  $\geq$  2/1 and TLC < 65% or FVC < 65% & FEV1/FVC  $\geq$  65%.

<sup>5</sup> Includes claims with an ILO  $\geq$  1/0 and TLC < 80% or FVC < 80% & FEV1/FVC  $\geq$  65%.

**Exhibit 46**  
**PIQ Attachment Sample**  
**Medical Statistics for Non-Malignant Claims <sup>1</sup>**

Category (1)	Number of Claims (2)	Percentage of Total Claims (3) (2)/2,040
<b>I. Criteria for Asbestosis <sup>2,3</sup></b>		
Claims with ILO $\geq$ 2/1 and PFT < 65% <sup>4</sup>	17	0.83%
Claims with ILO $\geq$ 1/0 and PFT < 80% <sup>5</sup>	393	19.26%
Claims with ILO $\geq$ 1/0, but without PFT Score Showing Impairment	869	42.60%
Claims with ILO Score that Do Not Meet Asbestosis Criteria	79	3.87%
Claims without ILO Score	682	33.43%
<b>Total Claims</b>	<b>2,040</b>	<b>100.00%</b>
<b>II. Criteria for Pleural Thickening for Claims that Do Not Meet Asbestosis Criteria <sup>2</sup></b>		
Claims that Meet Asbestosis Criteria	1,279	62.70%
Claims that Do Not Meet Asbestosis Criteria, but Do Meet Pleural Thickening Criteria	98	4.80%
Claims that Do Not Meet Asbestosis or Pleural Thickening Criteria	663	32.50%
<b>Total Claims</b>	<b>2,040</b>	<b>100.00%</b>
<b>Total Claims with ILO Score</b>	<b>1,358</b>	<b>66.57%</b>
<b>Total Claims with PFT Score</b>	<b>1,293</b>	<b>63.38%</b>
<b>Total Claims with ILO and/or PFT Scores</b>	<b>1,651</b>	<b>80.93%</b>
<b>Total Claims with Medical Information <sup>6</sup></b>	<b>1,896</b>	<b>92.94%</b>
<b>Total Claims</b>	<b>2,040</b>	<b>100.00%</b>

**Notes and Sources:**

- All data from PIQ database received from counsel.
- Total number of claimants obtained from PIQ database after (1) removing duplicate observations from data; (2) removing claimants not matching to POC data; (3) removing claimants not matching to the pending claims in the Grace claims database; (4) removing claimants linking to withdrawn claims; and (5) removing claimants linking to correspondence documents from the Lipman Law Firm that we have been informed have been withdrawn.
- All cleaning of duplicates and matching to other databases performed using various combinations of name, Social Security Number, date of birth, date of death, law firm and certain PIQ linking ID numbers provided in the data (specifically party ID, claimant ID and Rust ID).
- Most severe disease as indicated in "Condition" table of PIQ database was used for each claimant. This disease was updated if the "DiagnosisId" variable in the "CTScan", "MedicalReport", "Pathology", or "Xray" tables from the PIQ Attachment Sample data specified a more severe disease. In the PIQ Attachment Sample data, the most severe diagnosed disease of each claimant is taken, unless the disease was diagnosed post-bankruptcy.  
(In decreasing severity, diseases are ranked as follows: mesothelioma, lung cancer, other cancer, non-malignant, and unknown.)
- The most severe ILO and PFT scores from the "XrayReading" and "Test" tables in the PIQ database and the "XRay" and PFT tables in the PIQ Attachment Sample data are used.
- Claimants are considered to have a Diffuse Pleural Thickening Flag if they appear on the "XRay" table in the PIQ Attachment Sample data.
- "TLC" stands for total lung capacity; "FVC" stands for forced vital capacity.

<sup>1</sup> Non-malignant claimants include those with clinically severe asbestosis, asbestosis and other asbestos disease.

<sup>2</sup> Claimants fall into one unique category per section.

<sup>3</sup> Those with PFT score includes any claims that have either (A) a TLC score or (B) both an FVC score and a FEV1/FVC ratio.

<sup>4</sup> Includes claims with an ILO  $\geq$  2/1 and TLC < 65% or FVC < 65% & FEV1/FVC  $\geq$  65%.

<sup>5</sup> Includes claims with an ILO  $\geq$  1/0 and TLC < 80% or FVC < 80% & FEV1/FVC  $\geq$  65%.

<sup>6</sup> Includes claims with ILO and/or PFT scores and/or those indicating whether or not they have diffuse pleural thickening.

**Exhibit 47**

**W. R. Grace Historical Claims Database**  
**Claims Filed in States with Venue Reforms**

<b>State</b> <b>(1)</b>	<b>Number of Claims</b> <b>(2)</b>	<b>Percent of Total Claims</b> <b>(3)</b> <b>(2)/340,340</b>
Arkansas	1,678	0.49 %
Georgia	2,401	0.71
Mississippi	56,108	16.49
Missouri	1,629	0.48
South Carolina	1,043	0.31
Texas	101,026	29.68
West Virginia	33,051	9.71
<b>Total Reform States</b>	<b>196,936</b>	<b>57.86 %</b>
<b>Total All States</b>	<b>340,340</b>	

**Notes and Sources:**

-- Grace claims data obtained from counsel.

-- Total Grace claims excludes duplicate claims, corporate entities, claims with claimant type of consortium or "party in a claim", claims without a claimant ID, and claims with a claimant disposition type of "inactive".

## Exhibit 48

## PIQ Database

Claims Filed in States with Venue Reforms <sup>1</sup>

State <sup>1</sup>	Number of Claims	Percent of Total
(1)	(2)	Claims <sup>2</sup>
		(3)
		(2)/56,874
Arkansas	975	1.71 %
Georgia	974	1.71
Mississippi	3,744	6.58
Missouri	165	0.29
South Carolina	672	1.18
Texas	9,783	17.20
West Virginia	2,879	5.06
<b>Total Reform States</b>	<b>19,192</b>	<b>33.74 %</b>
<b>Total All States <sup>2</sup></b>	<b>56,874</b>	

## Notes and Sources:

-- All data from PIQ database received from counsel.

-- Total number of claimants obtained from PIQ database after (1) removing duplicate observations from data; (2) removing claimants not matching to POC data; (3) removing claimants not matching to the pending claims in the Grace claims database; (4) removing claimants linking to withdrawn claims; and (5) removing claimants linking to correspondence documents from the Lipman Law Firm that we have been informed have been withdrawn.

-- All cleaning of duplicates and matching to other databases performed using various combinations of name, Social Security Number, date of birth, date of death, law firm and certain PIQ linking ID numbers provided in the data (specifically party ID, claimant ID and Rust ID).

-- Most severe disease as indicated in "Condition" table of PIQ database was used for each claimant. (In decreasing severity, diseases are ranked as follows: mesothelioma, lung cancer, other cancer, non-malignant, and unknown.)

<sup>1</sup> State data obtained from "State" variable in Grace claims database.

<sup>2</sup> Includes only those claimants with usable state data. Claimants listing zero or more than one state are not included.

**Exhibit 49**  
**Unreliable Doctor Lists Across Sources**

<b>Doctor Name</b>	<b>High Volume Doctors Identified in Manville 1998 Audit Memo <sup>1</sup></b>	<b>Manville Suspended Doctors Memos <sup>2</sup></b>	<b>Challenged in Silica MDL Decision 2005 <sup>3</sup></b>	<b>W. R. Grace Expert <sup>4</sup></b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>
Robert Altmeyer				X
James W. Ballard		X	X	X
Jeffrey Bass				X
Maurice A. Bassali	X			
Leo Castiglioni				X
Mark Colin Clark	X			
Kevin Cooper		X	X	X
Todd Coulter		X	X	X
Dominic J. Gaziano	X			X
Andrew Harron		X	X	X
Ray Harron	X	X	X	X
Glynn Hilbun		X	X	X
Edward H. Holmes	X			
James Kraison				X
Richard Smythe Kuebler	X			X
Richard Levine	X			X
Barry Levy		X	X	X
Phillip H. Lucas	X			X
George Martindale		X	X	X
Robert von McGee				X
Robert Mezey				X
Larry M. Mitchell	X			X
Gregory Nayden		X		X
W. Allen Oaks		X	X	X
Robert A. Rosati	X			
Mark A. Schiefer	X			
Alvin J. Schonfeld	X			X
Jay Segarra	X			X
Paul Venizelos				X

**Notes and Sources:**

<sup>1</sup> Memo from Mark E. Lederer, Chief Financial Officer of the Manville Personal Injury Settlement Trust, April 24, 1998, CRMC 0168905-13.

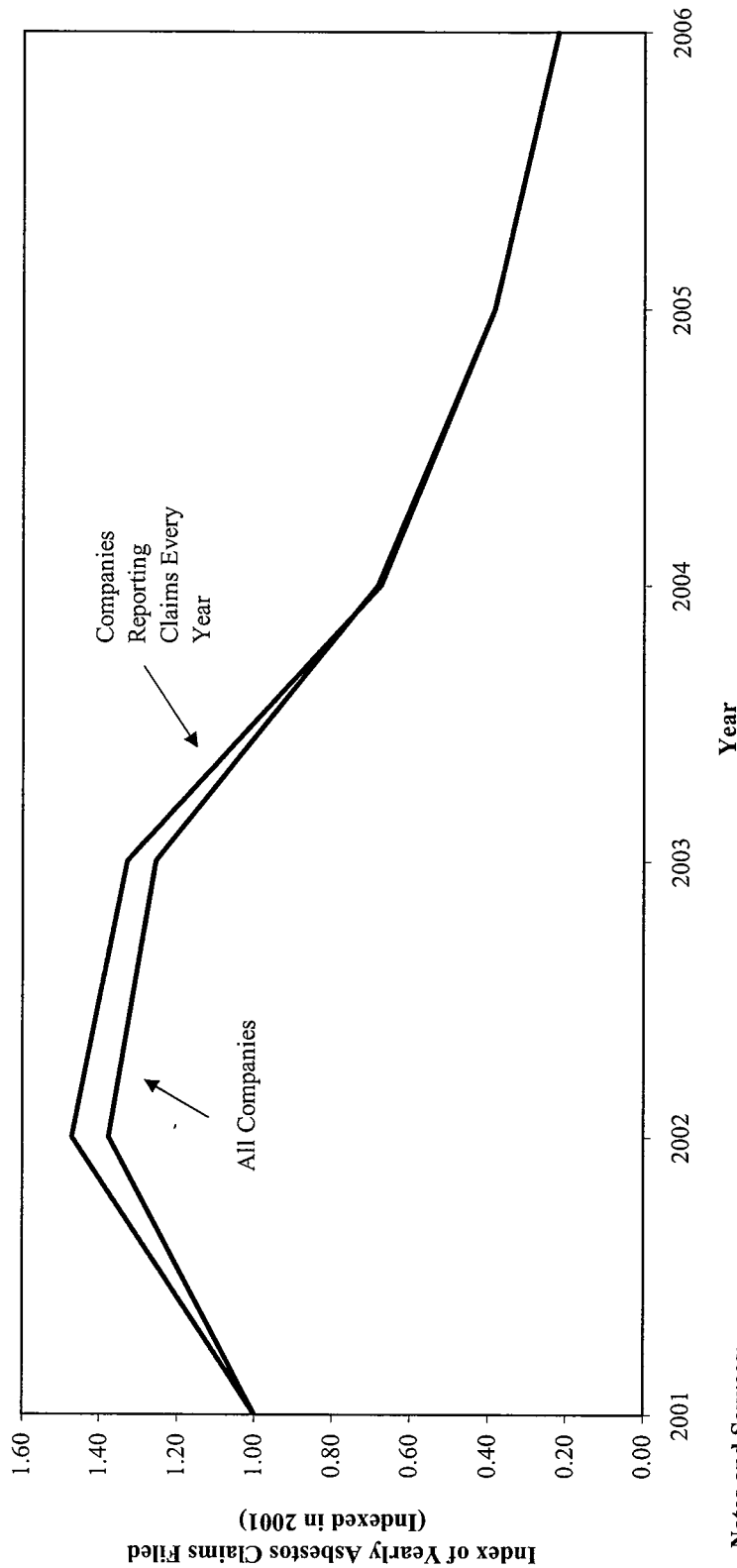
<sup>2</sup> Memo from CRMC President David Austern, "Suspension of Acceptance of Medical Records", Claims Resolution Management Corporation, September 12, 2005.

Memo from CRMC President David Austern, "Suspension of Acceptance of Medical Records Prepared by Dr. Gregory Nayden and the American Medical Testing Facility", September 24, 2002.

<sup>3</sup> In Re: § SILICA PRODUCTS LIABILITY § MDL Docket No. 1553 LITIGATION, ORDER NO. 29: ADDRESSING SUBJECT-MATTER JURISDICTION, EXPERT TESTIMONY AND SANCTIONS  
The defendants challenged the admissibility of the testimony of the following nine physicians: Dr. Ballard, Dr. Cooper, Dr. Coulter, Dr. Andrew Harron, Dr. Ray Harron, Dr. Hilbun, Dr. Levy, Dr. Martindale and Dr. Oaks and they were all required to give a deposition.

<sup>4</sup> See "Diagnostic Practices in a Litigation Context: Screening Companies and the Doctors They Employed", Steven E. Haber, June 11, 2007.

**Exhibit 50**  
**Data from Public Annual SEC Filings**  
**Index of Yearly Asbestos Claims Filed<sup>1</sup>**  
**2001-2006**



**Notes and Sources:**

Data obtained from SEC 10-K filings for each company. When available, data from the most recent 10-K filing is used. Includes only data reported at the individual claim level, not number of lawsuits. Includes only annual and not cumulative data. ("Cumulative" indicates that average settlement values are from the time the company began receiving claims up to the given year.)

<sup>1</sup> Change in yearly asbestos claims calculated as the average of the logarithmic returns for each company. Includes companies that reported filings data in at least two consecutive years and have more than 50,000 total claims filed between 2001 and 2006.

**Exhibit 51**  
**Data from Public Annual SEC Filings**  
**Summary of New Asbestos Claims**  
**2001-2006**

<u>Company Name</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>
(1)	(2)	(3)	(4)	(5)	(6)	(7)
AMERICAN STANDARD COMPANIES INC		45,404	26,988	12,741	10,951	4,378
ASHLAND INC	52,000	45,000	66,000	29,000	12,000	6,000
CBS CORP	60,000	49,400	36,990	16,060	11,470	6,470
COOPER INDUSTRIES LTD		21,791	11,843	18,185	4,562	3,806
CRANE CO /DE/	10,985	49,429	19,115	18,932	7,986	4,853
CROWN HOLDINGS INC	53,000	36,000	36,000	13,000	9,000	5,000
DOW CHEMICAL CO /DE/	73,806	121,916	122,586	58,240	34,394	16,386
ENPRO INDUSTRIES INC <sup>3</sup>	37,600	57,300	55,000	24,700	19,700	8,400
FOSTER WHEELER LTD	54,700	45,200	48,260	17,870	14,340	8,250
GEORGIA PACIFIC CORP	39,700	41,700	39,000	26,500		
GOODYEAR TIRE & RUBBER CO /OH/	17,100	38,900	26,700	12,700	6,200	3,900
HANSON PLC	21,700	32,200	28,900	18,700	10,350	6,350
HERCULES INC <sup>4</sup>	2,200	24,000	20,060	8,305	4,408	2,665
HONEYWELL INTERNATIONAL INC <sup>5</sup>		10,000	25,765	10,504	7,520	4,391
JACUZZI BRANDS INC	33,500	31,000	32,400	25,000	10,400	6,400
NATIONAL SERVICE INDUSTRIES INC	30,000	24,300				
OWENS ILLINOIS INC /DE/	31,000	21,000	26,000	15,000	9,000	7,000

**Notes and Sources:**

- Data obtained from SEC 10-K filings for each company. When available, data from the most recent 10-K filing is used.
- Includes companies that reported filings data in at least two consecutive years and have more than 50,000 total claims filed between 2001 and 2006.
- Includes only data reported at the individual claim level, not number of lawsuits.
- Includes only annual and not cumulative data. ("Cumulative" indicates that the filings reported are from the time the company began receiving claims up to the given year.)

<sup>1</sup> Filings are reported in claims, but the company states that: "Thus, in a case involving multiple plaintiffs and multiple defendants, AK Steel initially only accounts for the lawsuit as one claim against it. After AK Steel has determined through discovery whether a particular plaintiff will pursue a claim against it, it makes an appropriate adjustment to statistically account for that specific claim." (See company 2004-2006 10-K filings.)

<sup>2</sup> Includes asbestos and other occupational litigation.

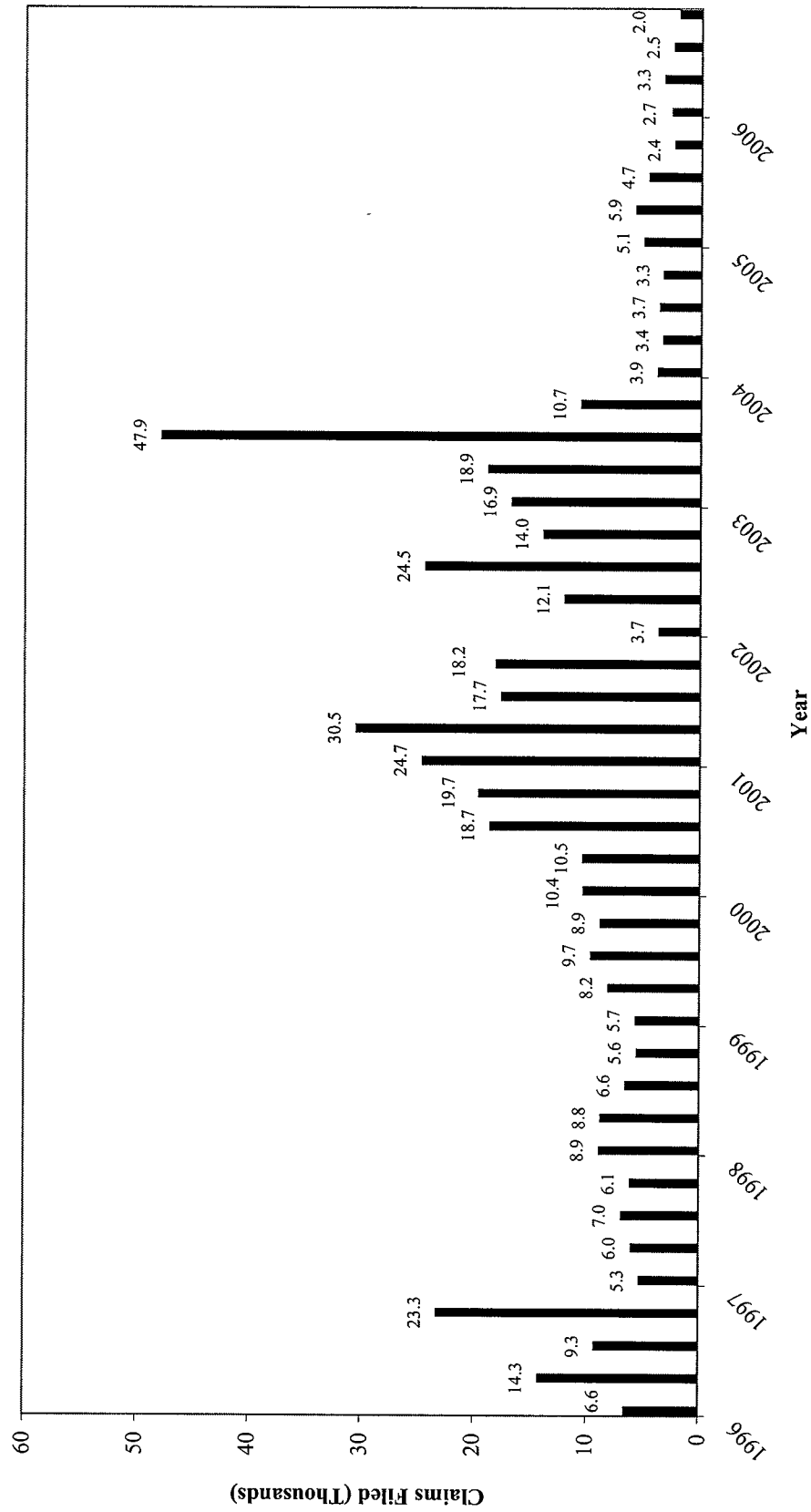
<sup>3</sup> Data from subsidiary Enpro's filing for subsidiary Garlock Sealing Technologies and Anchor Packing Co. New claims filed for 2002-2006 include claims filed in court as well as claims that are not filed as actions in court but are submitted and paid as part of previous settlements.

<sup>4</sup> 2002 and 2003 new claims filed calculated as new claims plus new claims that are in the process of being dismissed. Claims reported for 2001 are the average number of filings over 2000 and 2001.

<sup>5</sup> Claims filed are for Honeywell's Bendix business.



**Exhibit 52**  
**Manville Trust**  
**Filings by Quarter**  
**1996-2006**



**Notes and Sources:**  
 Data from Manville Trust Database, Manville Trust e-Extract Version 3.0 as of December 31, 2006.

**Exhibit 53**  
**Manville Trust**

**The Surge in Manville Mesothelioma Claims in 2003 Resulted from Older Cases Being Filed**

<b>Lag Between Diagnosis and Claim Filing</b>	<b>Claims Filed January - December 2000 <sup>1</sup></b>	<b>Percentage of All Claims Filed</b>	<b>Claims Filed July - October 2003 <sup>1</sup></b>	<b>Percentage of All Claims Filed</b>	<b>Claims Filed January 2004 - December 2006 <sup>1</sup></b>	<b>Percentage of All Claims Filed</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>	<b>(6)</b>	<b>(7)</b>
		<b>(2)/1,987</b>		<b>(4)/2,802</b>		<b>(6)/8,209</b>
Less than 1 Year - 2 Years	1,296	65.22 %	940	33.55 %	5,757	70.13 %
2 - 5 Years	493	24.81	849	30.30	1,499	18.26
5 Years and More	198	9.96	1,013	36.15	953	11.61
<b>Total</b>	<b>1,987</b>		<b>2,802</b>		<b>8,209</b>	

**Notes and Sources:**

-- Data from Manville Trust Database, Manville Trust e-Extract Version 3.0 as of December 31, 2006.

<sup>1</sup> Excludes claims with missing diagnosis date or with diagnosis dates post filing date.

**Exhibit 54****Average Resolution Values per Claim for Honeywell's Bendix Business<sup>1</sup>**  
**2002-2006**

<b>Type of Claim</b> <b>(1)</b>	<b>2002</b> <b>(2)</b>	<b>2003</b> <b>(3)</b>	<b>2004</b> <b>(4)</b>	<b>2005</b> <b>(5)</b>	<b>2006</b> <b>(6)</b>
Malignant Claims	\$ 166,000	\$ 95,000	\$ 90,000	\$ 58,000	\$ 33,000
Non-Malignant Claims	1,300	3,500	1,600	600	250

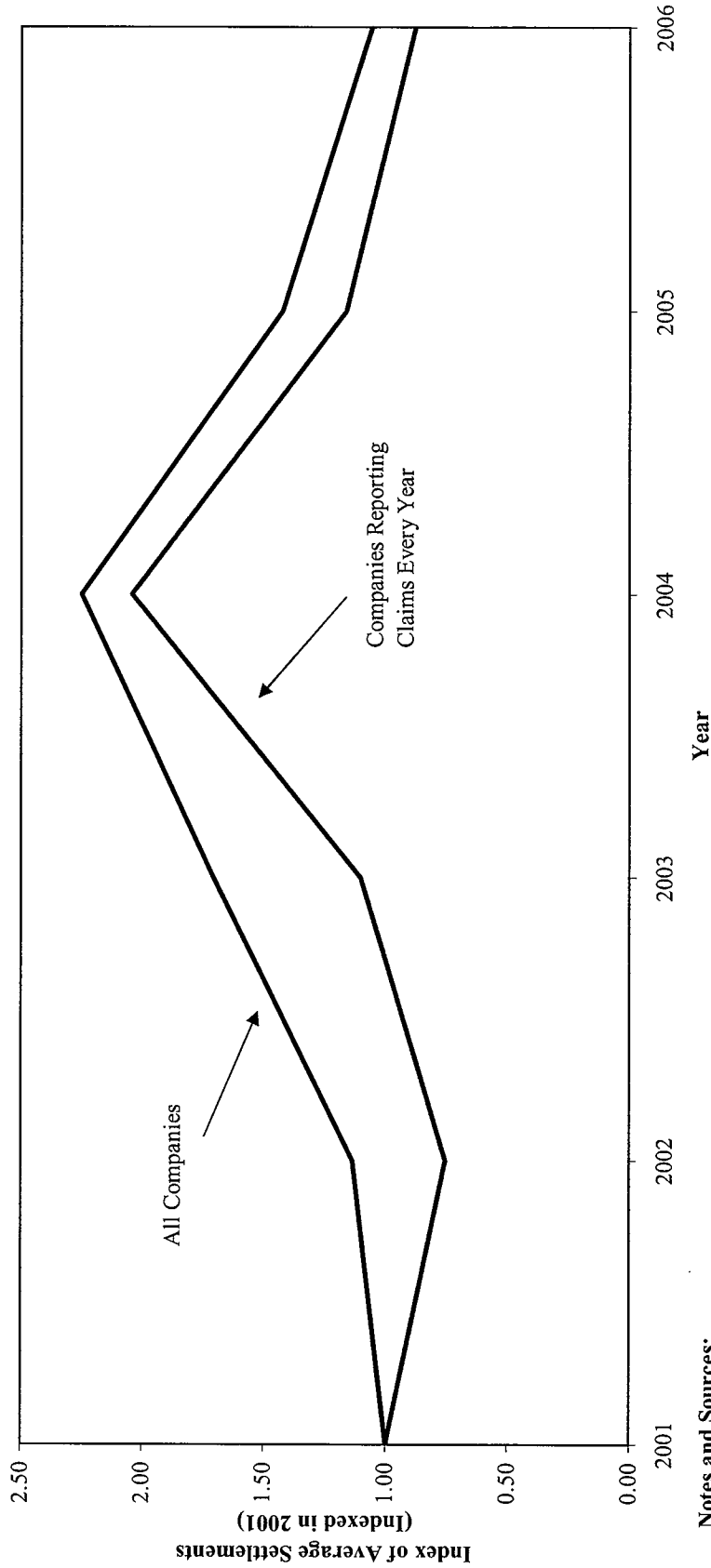
**Notes and Sources:**

-- Data obtained from Honeywell International Inc.'s 10-K SEC filings.

<sup>1</sup> Average resolution values are for asbestos claims related to Honeywell's Bendix business.

Average resolution values per claims exclude legal costs.

**Exhibit 55**  
**Data from Public Annual SEC Filings**  
**Index of Average Settlements<sup>1</sup>**  
**2001-2006**



**Notes and Sources:**

Data obtained from SEC 10-K filings for each company. When available, data from the most recent 10-K filing is used. Includes only data reported at the individual claim level, not in terms of lawsuits. Includes only annual and not cumulative data. ("Cumulative" indicates that average settlement values are from the time the company began receiving claims up to the given year.)

<sup>1</sup> Change in average settlements calculated as the average of the logarithmic returns for each company. Includes companies that reported settlement data in at least two consecutive years.

**Exhibit 56**  
**Data from Public Annual SEC Filings**  
**Average Settlements for Settled or Resolved Claims**  
**2001-2006**

Company Name	2001	2002	2003	2004	2005	2006	Amount Per Settled or Resolved?
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
<b>Calculated Average Settlements <sup>1</sup></b>							
AK STEEL HOLDING CORP	\$ 11,538	\$ 1,786	\$ 9,091	\$ 6,135	\$ 11,607	\$ 6,154	Resolved
ALBANY INTERNATIONAL CORP /DE/		553	195	361	85	113	Resolved
AMPCO PITTSBURGH CORP <sup>2</sup>		21,000	9,338	8,035	896	1,318	Resolved
BNS HOLDING, INC.		714		500	19,125	520	Settled
BNSF RAILWAY CO <sup>2</sup>			26,420	29,831	29,688	29,586	Resolved
BORGWARNER INC <sup>2</sup>				7,843	9,831		Settled
CBS CORP <sup>3</sup>	350	1,514	1,986	3,605	1,658	166	Resolved
COOPER INDUSTRIES LTD		1,407	2,964	2,010	3,026	1,098	Resolved
CRANE CO /DE/	11,515	646	3,065	16,570	9,513	25,216	Settled
CROWN HOLDINGS INC	2,129	1,791	1,850	2,143	3,750	4,000	Resolved
DOW CHEMICAL CO /DE/	9,140	3,256	2,261	6,158	1,519	2,302	Resolved
ENPRO INDUSTRIES INC	2,442	2,507	2,663	2,561	2,423	3,750	Resolved
FMC CORP			667	286	222	833	Resolved
FOSTER WHEELER LTD <sup>2</sup>	1,853	3,553	4,279	4,778	4,850	2,240	Resolved
GEORGIA PACIFIC CORP <sup>2</sup>	2,718	5,157	4,345	6,431			Resolved
GOODYEAR TIRE & RUBBER CO /OH/ <sup>2</sup>	1,297	5,529	3,524	8,794	2,750	3,519	Resolved
METSO CORP			260	521	339	313	Settled
OWENS ILLINOIS INC /DE/	9,096	8,433	9,705	16,400	10,583	7,118	Resolved
UNION PACIFIC CORP		37,462	24,283	19,638	20,900	18,987	Resolved
UNITED STATES STEEL CORP	17	617	55,422				Settled
<b>Reported Average Settlements <sup>4</sup></b>							
AMERICAN STANDARD COMPANIES INC			\$ 1,986	\$ 1,462	\$ 972	\$ 1,492	Resolved
ASHLAND INC <sup>2</sup>		\$ 723	1,610	1,655	1,985	1,428	Resolved
CROWLEY MARITIME CORP				541,000	16,000	17,000	Settled
ENTRX CORP	\$ 53,711	40,366	60,678	65,637	78,831	59,253	Settled
GENCORP INC <sup>5</sup>	15,000	33,000	38,000	384,000	25,000	14,000	Settled
HANSON PLC	8,645	2,049	5,268	8,294	2,929	1,811	Resolved
HONEYWELL INTERNATIONAL INC <sup>6</sup>		166,000	95,000	90,000	58,000	33,000	Resolved (Mal)
HONEYWELL INTERNATIONAL INC <sup>7</sup>		1,300	3,500	1,600	600	250	Resolved (Non-Mal)
NATIONAL SERVICE INDUSTRIES INC <sup>8</sup>	1,035	2,960					Resolved
TRIMAS CORP			5,921	8,660	5,613		Settled

**Notes and Source:**

- Data obtained from SEC 10-K filings for each company. When available, data from the most recent 10-K filing is used.
- Includes companies that reported settlement data in at least two consecutive years.
- Includes only data reported at the individual claim level, not in terms of lawsuits.
- Includes only annual and not cumulative data. ("Cumulative" indicates that average settlement values reported are from the time the company began receiving claims up to the given year.)

<sup>1</sup> Average settlement values are calculated using reported annual settlement amount and reported total settled or resolved claims.

<sup>2</sup> Includes defense costs.

<sup>3</sup> Includes defense costs. Net of tax and insurance.

<sup>4</sup> Average settlement values as reported in company 10-K filings.

<sup>5</sup> In 2004, Gencorp settled 8 claims for a total of \$3,073,000. Per Gencorp Inc.'s 10-K filing, "The number of claims settled and the aggregate settlement costs and average settlement costs for fiscal 2004 include the Goede et al. v. Chesterton Inc. et al. matter in which there was a judgment of approximately \$5 million against Acrojet, which was reduced to approximately \$2 million after setoff based on plaintiffs' settlements with other defendants. The total amount paid, including interest accruing from the date of judgment, was \$2 million."

<sup>6</sup> Malignant claims only. Malignant and non-malignant average settlements are reported separately by Honeywell.

<sup>7</sup> Non-Malignant claims only. Malignant and non-malignant average settlements are reported separately by Honeywell.

<sup>8</sup> Average settlement amount for 2002 includes a significant number of claims that were settled in principal post 2002 fiscal year end but the settlements were not finalized as of August 31, 2002. The reported average settlement before including these claims is \$530. National Service Industries Inc. went private in June 2003 and thus no 10-K filings are available for this company after 2002.